



New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form
for

Construction Activities Seeking Authorization Under SPDES General Permit GP-0-08-001
(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information

1. Owner/Operator Name: Vito A Rizzi

2. Contact Person: Vito Rizzi

3. Street Address: 3 Ashley Way

4. City/State/Zip: New Windsor, New York 12553

II. Project Site Information

5. Project/Site Name: New Office/Retail Building for Vito Rizzi

6. Street Address: 287 Windsor Highway

7. City/State/Zip: New Windsor, New York 12553

III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information

8. SWPPP Reviewed by: John Szarowski, P.E., CPESC, CPSWQ, LEED-AP

9. Title/Position: Senior Engineer

10. Date Final SWPPP Reviewed and Accepted: 8 April 2009

IV. Regulated MS4 Information

11. Name of MS4: New Windsor

12. MS4 SPDES Permit Identification Number: NYR20A 241

13. Contact Person: Mark Edsall, P.E. Engineer for the Town

14. Street Address: 555 Union Avenue

15. City/State/Zip: New Windsor New York 12553

16. Telephone Number: 845-567-3100

(NYS DEC - MS4 SWPPP Acceptance Form - 4/10/08, Revised 9/19/08)

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).

Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name: George Green

Title/Position: Town Supervisor

Signature:

George A. Green

Date:

4/23/09

VI. Additional Information

Shaw Engineering

Consulting Engineers

744 Broadway
P.O.Box 2569
Newburgh, New York 12550
(845) 561-3695

July 10, 2008

Chairman Genaro Argenio and
Members of the Planning Board
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, New York 12553

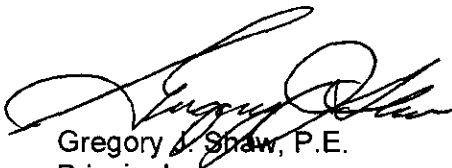
Re: New Office/Retail Office Building For Vito A. Rizzi
Temple Hill Road

Gentlemen:

Enclosed please a copy of the "Phase I Cultural Resources Survey, Site Assessment And Site Identification Phases – Proposed Rizzi Development Parcel" that was prepared by Columbia Heritage, Ltd. and which is dated June 2008. By copy of this document to Marl Edsall, P.E., we respectfully request that he review this document for his recommendation to the Planning Board.

Very truly yours,

SHAW ENGINEERING



Gregory J. Shaw, P.E.
Principal

GJS:mmv
Enclosure

cc: Mark Edsall, P.E., Planning Board Engineer, w/Enclosure

**PHASE I CULTURAL RESOURCES SURVEY
SITE ASSESSMENT AND SITE IDENTIFICATION PHASES
PROPOSED REZI DEVELOPMENT PARCEL
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**

OPRHP FILE 08 PR 01182

**Prepared for
Shaw Engineering
744 Broadway - P.O. Box 2569
Newburgh, New York 12550**

**Prepared by
Stephen J. Oberon
Columbia Heritage, Ltd.
56 North Plank Road - Suite 287
Newburgh, New York 12550**

**Report CA613AB-1-6-07
June 2008**

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PHASE IA SITE ASSESSMENT STUDY

PROJECT BACKGROUND

The study area encompasses approximately 3.0 acres (1.2 hectares) of generally flat to gently sloping terrain along the southeast side of NYS Route 32 (Windsor Highway) southwest of Willow Lane, some 4500 feet (1372 meters) northwest of Moodna Creek and 5000 feet (1524 meters) east of Silver Stream in the eastern portion of the Town of New Windsor in east-central Orange County, New York. The southern limits of the City of Newburgh lie roughly 1.5 miles (2.4 kilometers) to the north and the five-corner intersection of the hamlet of Vails Gate some 1.1 miles (1.7 kilometers) to the southwest. This portion of NYS Route 32 is populated by a mix of commercial buildings dating from the second half of the twentieth century, some recent commercial construction, and residential structures dating from the middle decades of the twentieth century, many of which have been converted for commercial use. The New Windsor Cantonment State Historic Site is located some 0.9 miles (1.4 kilometers) to the west-northwest and the Knox Headquarters State Historic Site lies approximately 0.9 miles (1.4 kilometers) to the south along Forge Hill Road.

The western portion of the property, located at 287 Windsor Highway, is currently occupied by a one-and-one-half story brick single-family house dating from the immediate post-World War II era. Proposed development involves replacing this building with a small commercial structure to be placed to the southeast, with a parking area between it and the street, and several additional parking spaces and a storm water detention pond to be located behind (i.e., southeast of) the new building. The small drainage that runs across the northeastern part of the parcel would be carried under a proposed driveway to an existing culvert that brings it under the roadway. The southeastern roughly 25% of the property, currently populated by young forest and scrub vegetation, would be excluded by proposed construction.

The proposed residential development site is located in the southeasternmost part of the Wallkill Valley portion of the Hudson-Mohawk Lowlands region of New York State, a broad, open valley drained by the Wallkill River, adjacent to the northeastern limits of the Hudson Hills portion of the New England Uplands region, characterized by rugged terrain eroded by fast-running streams. The west bank of the Hudson River located some 1.6 miles (2.5 kilometers) east of the study area. The Wallkill Valley is geologically characterized by shale and shaly sandstone bedrock covered by glacial drift, overlain by deep acid soils on glacial till, with igneous and metamorphic rocks underlying shallow acid soils on glacial till in the Hudson Hills (Thompson 1966: 28-29; Figs. 8 & 33). Soils within the study area are characterized by moderately well-drained Mardin soils. The salient characteristics of this soil type are outlined below (Soil Survey 1972).

Soil Type (Symbol)	Drainage/Slope	Origin	General Description (in/cm)
Mardin gravelly loam (MdB)	moderately well / 3-8%	glacial till derived from sandstone, slate, shale	0-8/0-20: dk br gr lo 8-15/20-37.5: ye br gr si lo 15-20/37.5-50: mo pa br gr si lo 20-60/50-150: ol br ch si lo

Abbreviations

dk - dark pa - pale mo - mottled ch - channery gr - gravel(ly)
br - brown ye - yellow ol - olive lo - loam si - silt

A Phase IA site assessment study was performed in May 2008 by Stephen Oberon, serving as Principal Investigator assisted by Kim Croshier, using resources of the Newburgh Free Library, the Orange County Historical Society in Goshen, the New York State Office of Parks, Recreation and Historic Preservation, the New York State Museum, the New York State Library, and the New York State Archives in Albany. A walking reconnaissance of the study area was carried out by the Principal Investigator, during which the relative archaeological potential of the various subareas was assessed, any prior disturbance and other factors likely to reduce such potential were noted, and standing buildings along with any structures that have a view of the proposed development that meet the minimum age requirement for inclusion on the State and National Register of Historic Places were photodocumented.

CULTURAL BACKGROUND AND SENSITIVITY ASSESSMENT

As mentioned, the ground surface of the affected area consists of flat, grassy terrain with increasingly dense scrub vegetation and young forest in the southeastern portion southeast of the existing house and detached garage. Several mature trees surround the house and border the northeast and southwest sides of the parcel. A small drainage, channeled to its present location, flows just southwest of the northeastern property line and is carried under NYS Route 32 by a culvert. Reconnaissance did not reveal any anomalies that might indicate the presence of buried structural remains or other cultural features.

Historic Structures

The New Windsor Cantonment State Historic Site, the location where the Continental Army passed the winter of 1783, is listed on the National Register of Historic Places and is located 0.9 miles (1.4 kilometers) west-northwest of the affected area along Temple Hill Road. The Knox Headquarters State Historic Site, also important during the American Revolution as a command post occupied by the leadership of the Continental Army, stands 0.9 miles (1.4 kilometers) to the south along Forge Hill Road. No other properties currently listed on, nominated to, or determined eligible for inclusion on the National Register are located in the vicinity of the proposed action or within the project view shed.

The structure situated on the project site and scheduled for demolition as a part of the proposed development, a one-and-one-half story brick one-family residence dating from the decade following World War II, meets minimum State and National Register age requirements. It is considered unlikely to meet other architectural and/or historical criteria for eligibility. No other structures that meet the minimum age requirements for eligibility were identified within the development view shed.

Native American Era

Three sites of Native American cultural activity are listed in State Historic Preservation Office site files for this portion of the Town of New Windsor within one mile (1.6 kilometers) of the study area, as outlined below, along with one site in the New York State Museum files. They are outlined below.

<u>File Number</u>	<u>Name</u>	<u>Description/Time Period</u>	<u>Distance</u>
A07115.000704	Stray Find #1	medium grey chert reduction flake/unknown	0.9mi/1.4km
A07115.000705	Stray Find #2	dark grey chert reduction flake/unknown	0.9mi/1.4km
A07115.000719*	Woodlawn Manor Prehistoric Site	multi-component/Middle Archaic, Late Archaic, Early Woodland	0.9mi/1.4km
NYSM 563	Moodna Creek Site (SMK 16-2; BMM 5-0)	"camp"/ no information	0.9mi/1.4km

* Determined National Register Eligible

Other sites documented along Moodna Creek to the southeast and in this portion of the Hudson Valley as a whole confirm the presence of aboriginal inhabitants from at least the Middle Archaic through the Late Woodland periods, spanning a time from approximately 6000BC through the arrival of Europeans around AD 1680. In assessing the potential for Native American presence within the affected area, it must also be noted that this area has never had the benefit of a systematic professional archaeological survey, with most known sites having been encountered unexpectedly during construction of roads, railroads or buildings, through the clearing and cultivation of agricultural fields, by avocational archaeologists inspecting plowed fields. Three of the sites listed above were identified through the investigation, such as is represented by the present survey, of specific areas for which some type of development or construction project is proposed (Oberon 2001, Guillet 2006). As a result, the number and range of Native American occupation sites present in this part of the Town of New Windsor are likely to be underrepresented in the site files with regard to both temporal and spatial distribution.

The potential must therefore be recognized for better-drained, flatter locations, such the study area, to have seen what would most likely have been seasonal occupations by small groups exploiting the plant and animal resources offered by the nearby stream and wetlands environments. Such occupations would most likely have been a component in the seasonal patterns of movement that characterized indigenous populations through at least the Archaic and Transitional periods, although small seasonal occupation sites are also known to have been present during later times.

As noted, Native American archaeological remains likely to be present in the study area would probably consist of small, seasonally occupied camps that would have supported small numbers of people for short periods of time, probably on a recurring basis. Cultural remains associated with such sites typically are sparse, shallow and spatially restricted, although they may include hearths, storage pits and/or traces of structures. Larger sites may also include extensive refuse deposits and fortifications. Exposed veins of lithic resources suitable for the manufacture of stone tools, and rock formations such as caves and overhangs that could provide shelter, are also likely to have attracted the indigenous population of the area, as are certain natural phenomena, such as springs and unique rock formations, that would have held religious significance. Reconnaissance of the affected area noted no exposed deposits of lithic material known to have been used in the manufacture of stone tools, no rock overhangs or caves that might have served as shelters, and no natural features known to have been endowed with religious significance. The potential for project impact to such sites is therefore seen to low to negligible. However, a potential may be seen to exist for the presence within the affected area of Native American cultural remains pertaining to smaller, seasonally-occupied camps during at least the last eight millennia during which this region saw human occupation. In addition, the presence of glacial till gives the area a general potential for the presence of small lithic workshops where accessible glacially-deposited cobbles and/or boulders containing chert or other varieties of stone useful in the manufacture of tools would have been processed.

European American Era

European American era occupation of this portion of Orange County dates from the last decades of the eighteenth century. The mouth of Moodna Creek and the portion of the Hudson River bank northward to the hamlet of New Windsor were among the earliest area of Orange County to be

occupied. Local industry developed at Orangeville, near the mouth of the Moodna, and Plum Point on the Hudson served as one of the most important early river ports in the area. Other industrial development prior to the American Revolution was focused inland along watercourse such as Moodna Creek, which, unlike the meandering, slowly flowing Silver Stream, generated sufficient current to drive water-powered machines at locations such as Orrs Mills (Flour Mills) and Vails Gate.

As noted previously, the New Windsor Cantonment, occupied during the winter of 1782-83 by the Continental Army, is located a short distance to the northwest of the study area. The site as defined in the National Register of Historic Places extends to within 0.5 miles (0.8 kilometers) of the affected area. Archaeological testing of these nearest portions of that site, on the grounds of the former Epiphany Apostolic College, produced "no significant archaeological evidence" relating to this time period (Hunter 1989: 7-1). Other investigations by Hunter identified the site of the Second Massachusetts Brigade encampment, the most easterly of the three major troop occupations, "has been identified to the south of the Epiphany property" (Hunter 1989:7-1), within the present Windsor Square development some 0.4 miles (0.6 kilometers) to the northeast of the affected area (Hunter 1988). The Knox Headquarters Historic Site, dating from the same period and much more spatially restricted, lies just under one mile (1.6 kilometers) to the south.

Based on the sketch of the various Encampment-related occupations made by Pickering in 1782 and the findings to date of archaeological investigations mentioned above that have been carried out on the former Epiphany Apostolic College property and at the Windsor Square development, the major remaining features to be located in the eastern area of the occupation would be the hospital and associated cemetery (Pickering 1782, Hunter 1988, 1989). These would appear likely to have been situated to the southeast of the Second Massachusetts Brigade encampment on the Windsor Square property and were not located in the areas studied by the Hunter investigations, which would probably place them to the north or northeast of the project parcel.

During the early nineteenth century, industrial and commercial hamlets such as Little Britain, Washington Square, Salisbury Mills, and Orrs Mills, developed in the interior, farther west of the Hudson River. Settlement outside these small nucleated centers was characterized by dispersed farmsteads whose buildings were usually placed along roadways.

As was the case in most of this region, most early settlement outside nucleated rural industrial and commercial centers was dispersed and focused along early roadways, near which farm houses and their associated outbuildings were erected. The Newburgh Road, now known as NYS Route 32, was one such thoroughfare, connecting Newburgh with points to the south and southwest.

With the development of what became the City of Newburgh during the nineteenth century, spurred by the growth of the railroad and river shipping industries and the concentration of manufacturing around the commercial hub, the smaller river ports in the area mentioned previously were eclipsed and the industrial aspects of the smaller hamlets declined in favor of a burgeoning role as primarily residential communities supported by local services such as stores and repair shops, accompanied by the disappearance of Townsville and Orangeville as place names on maps of this era.

As noted, the portion of the township in which the study area is located appears to have been typical of the settlement pattern for areas outside nucleated communities described earlier, with a scatter of early individual farmsteads being augmented by the construction of residential structures with the

approach of the twentieth century and the growth of small commercial and industrial enterprises not dependent on water power. What is today NYS Route 32 or Windsor Highway was known as Snake Hill Road during the second half of the nineteenth century and Newburgh Road prior to that. The thoroughfare itself dates from at least the early nineteenth century. The affected area, a short distance southwest of Willow Lane, is clearly visible on nineteenth and early twentieth century maps of the township. Earlier maps (Sidney 1851, French et al. 1859) do not record the property owner.

The larger parcel that includes the affected area is attributed to "I. Decker" in 1875 and 1891 and is noted to contain "10 a[cres]" in 1891 (Beers 1875; Beers 1891). A "stable or shed" is shown at the northeastern edge of the parcel in 1903 (Lathrop 1903), which appears to have been located to the northeast of the present limits of the project parcel. The property appears to have been part of a farmed area prior to the subdivision of the area to accommodate new housing after World War II.

In addition to the New Windsor Cantonment National Historic Site, three European American era archaeological sites are listed in the NYS Office of Parks, Recreation and Historic Preservation site files within one mile (1.6 kilometers) of the study area, two related to that encampment. They are summarized in the table below.

<u>File Number</u>	<u>Name(s)</u>	<u>Description</u>	<u>Distance</u>
A071-15-0013	Area of 1st Massachusetts Brigade	historic hearths, etc,	0.8mi/1.3km
A071-15-0021	2nd Massachusetts Brigade Encampment	camp remains	0.5mi/0.8km
A071-15-0007*	John Haskell Site	domestic items associated with standing structure	0.9mi/1.4km

* Determined National Register Eligible

Based on the absence of map-documented structures within or adjacent to the affected area since the publication of detailed area maps beginning in 1851, with the exception of an outbuilding shown to the northeast during the early twentieth century, and the lack of visible evidence that might indicate the presence of buried structural remains, the potential for the presence of buried European American era cultural remains may be considered low. However, the military activity in this area during the American Revolution, the presence of documented Encampment-related sites within one mile (1.6 kilometers), and the dispersed nature of this occupation combine to create a potential for buried cultural remains associated with the Continental Army to occur anywhere in this part of the township. This potential is seen to be lower than it would be for areas to the north and west. In addition, the general potential is recognized for the presence along this segment of what is now known as NYS Route 32 (formerly Newburgh Road and Snake Hill Turnpike) of remains of eighteenth and early nineteenth century structures razed prior to the publication of detailed maps of New Windsor showing individual houses. The potential for intact early structural remains and cultural features to be present is seen to have been reduced by subsequent ground disturbance associated with construction of the present house and garage, installation of utilities on the parcel and along the roadway, and ongoing improvements to and widening of NYS Route 32 during the twentieth century

RECOMMENDATIONS

A Phase IB site identification survey is recommended for the portions of the affected area not paved, occupied by the existing structures or characterized by obvious serious prior disturbance to upper soils. Such locations in this physiographic setting must be considered to have at least an average potential for the presence of buried Native American cultural remains. The affected area also has the potential, albeit less than areas to the north and west, to contain buried cultural resources associated with the occupation of the area by the Continental Army. The general potential for late eighteenth and early nineteenth century cultural remains to be present in the extreme northwestern portion of the affected area nearest NYS Route 32 is seen to have been reduced by the disturbance associated with the construction of the existing house during the immediate post-World War II era, the associated construction of the existing garage, the installation of utilities on the property and along the roadway, and road widening over the past six decades.

This Phase IB survey should employ sampling methods adequate for detecting traces of the small, seasonally occupied camps likely to occur in this physiographic setting, as well as any deposits associated with early European American era cultural activity areas and structures, along with any larger occupation sites and/or activity areas that might be present.

PHASE IB SITE IDENTIFICATION SURVEY

RESEARCH DESIGN

The Phase IA site assessment performed for this study area identified a potential for buried Native American cultural remains to be present within portions of the proposed approximately 3.0-acre (1.5-hectare) development site not characterized by serious prior upper soil disturbance. This assessment was based on the proximity of documented Native American occupation in this part of the Moodna Creek drainage and the fact that better-drained lands near streams and wetlands are known to have been attractive to indigenous inhabitants of the region.

Flatter, better-drained locations near a water source have been found to have been preferred by indigenous populations in the Northeast for occupations ranging from small camps to villages. In times of turmoil, defensive considerations were added to these criteria. Steeply sloping and poorly drained areas or wetlands would generally be seen as of low potential for the occurrence of Native American cultural resources.

Exceptions to this assessment would include steeply sloping locations where lithic resources such as chert would have been accessible to indigenous populations and/or where rock overhangs and caves that could have served as shelters are present. Although poorly-drained areas would seldom be expected to contain habitation sites, the more elevated, better-drained peripheries of such places are likely to have been selected for camps from which the plant and animal resources of the wetter areas would be exploited. Such camps would have served as temporary habitation sites and locations where food was prepared, tools completed and repaired, and animal resources processed (i.e., skinned, butchered, smoked, dried) after being procured nearby.

Smaller sites, which predominate prior to the later Woodland Period and continue to occur during this time, are known to have been occupied by indigenous populations in conjunction with what was usually a seasonal exploitation of plant and animal resources. Generally, these camps would be inhabited for short periods of time, although such episodes of occupation are known to have continued on a regular basis over many centuries.

The inventory of reported archaeological sites for this area indicates that Native American presence of this part of what is now the Town of New Windsor and the nearby Town of Cornwall persisted from at least the Middle Archaic through the Late Woodland period (c. 6000BC-AD1650) and on into the era of European American settlement during the later seventeenth and eighteenth century. Based on this information, the temporal and cultural affiliation of Native American archaeological remains that might be expected to occur in the vicinity of the affected area could represent any but the earliest phases of human culture in this region.

As mentioned above, occupation through at least the Middle Woodland Period was considered likely to have occurred on a seasonal basis and to have usually been associated with the exploitation of nearby plant and animal resources. The material remains of sites reflecting such behavior are most likely to be sparse, shallow and spatially restricted, although deeper cultural features and remains of structures may be present. Larger sites, usually pertaining to Woodland period occupations, may include deep refuse deposits, remains of more substantial structures and defensive constructions, such as stockades.

METHODOLOGY

The affected area consists topographically of flat terrain, with a steeper slope present adjacent to the small drainage stream in the northeasternmost portion of the property. The development site is populated by lawn, with scrub vegetation and young forest present in the southeastern and eastern portions of the parcel and individual mature trees around the residential structure and along the stream.

A subsurface sampling plan was developed that called for the affected area to be archaeologically sampled by means of hand-dug shovel test holes executed in a grid pattern and placed at intervals of approximately 50 feet (15 meters), with adjustments in spacing made as needed to avoid obstacles such as existing structures and larger trees. Test holes would be dug using small hand tools and their contents would be screened through 1/4-inch (6.25-millimeter) hardware cloth to facilitate the recovery of smaller cultural items.

Any Native American era cultural items recovered would be marked with a numbered pin flag and their location later recorded on the project map along with that of other sampling units. Any test holes from which eighteenth century items were recovered would be marked for further, more intensive investigation and any relative concentrations of pre-World War II material would also be marked for further sampling. Any isolated test holes that produce Native American cultural material would be more intensively sampled by means of eight additional shovel tests placed at 5-foot (1.5 meter) intervals at cardinal points around each find spot to determine whether a likely site of cultural activity or a stray find was indicated.

Assessment of soils present within the affected area, which were found to contain gravels and other glacial deposits on or just beneath the ground surface, indicated a low potential for the presence of deeply buried culture-bearing soils within the portions of the property for which development impact is proposed.

Phase IB field investigation of the proposed development site was carried out in May and June 2001, under good to excellent field conditions, hot to moderately warm temperatures, and no precipitation. Ground visibility was generally poor due to the density of growth of grass and scrub. Soils were found to be moist to moderately dry in most places sampled. The Phase IB field investigation was directed by the Principal Investigator, assisted by Archibald Miller, John Lott, and Jaking Lott.

Shovel test transects were laid out along a northwest/southeast axis as shown on the project map. Shovel tests measured approximately 24 inches (60 centimeters) in diameter and were dug by hand in natural soil levels extending into culturally sterile soils. Test holes were placed 50 feet (15 meters) apart and dug in parallel transects as shown. Contents of the shovel tests were screened through 1/4-inch hardware cloth to facilitate the recovery of smaller cultural items.

Culturally sterile soil consisted of yellow brown to tan brown silt and sandy silt, overlain by dark brown silt and sandy silt under turf or dark brown root and leaf mat. Both strata were found to contain coarse, medium and fine gravels and cobbles. Culturally sterile soils were found to be present at depths ranging from 2.8 to 5.2 inches (4 to 13 centimeters) beneath the ground surface, with bedrock encountered in many test holes, often just beneath the turf or root and leaf mat. No problems occurred that might have influenced the process or outcome of the Phase IB field survey.

Archaeological sampling identified no items associated with the Native American occupation of the area and no pre-World War II European American items. A small number of later European American era pieces, consisting of plastic, aluminum, brown and green bottle glass were recovered from scattered testing locations. They were not retained.

CONCLUSIONS AND RECOMMENDATIONS

Systematic archaeological sampling of the proposed approximately 3.0-acre (1.5-hectare) affected area by means of hand-dug screened shovel test holes produced no items associated with the Native American occupation of the region or pre-World War II era European American items.

Based on the findings of this Phase IB survey, proposed construction activity may therefore be seen to have no effect on cultural resources and no further investigation of the project area is recommended.

- 1891 **Atlas of the Hudson River Valley from New York City to Troy...**
New York: Watson & Company.
- Eager, Samuel W.**
1846 **An Outline History of Orange County, New York....**
Newburgh (N.Y.): S.T. Callahan.
- Fisher, Charles**
1982 **Archaeological Reconnaissance Survey in the Area of the 1st Massachusetts**
Brigade, New Windsor Cantonment, Orange County, New York. NYS Office
of Parks, Recreation and Historic Preservation Historic Sites Bureau.
- 1983 **Report on the 1982 Field Season of Archeological Survey in the Area of the 1st**
Massachusetts Brigade, New Windsor Cantonment, Orange County, New York.
- Fisher, D.W., Y.W. Isachsen and L.V. Rickard**
1970 **Geological Map of the State of New York, Lower Hudson Sheet.**
Albany (N.Y.): New York State Museum and Science Service.
- French, F.F., W.E. Wood and S.N. Beers**
1859 **Map of Orange and Rockland Counties.**
New York: Corey and Bachman.
- Funk, Robert E.**
1976 **Recent Contributions to Hudson Valley Prehistory.**
New York State Museum Memoir No. 22. Albany (N.Y.):
The New York State Education Department.
- Gordon, Thomas F.**
1836 **Gazetteer of New York State.**
Philadelphia (Pa.); Printed for the Author.
- Goring, Rich**
1978 **Archaeological Testing at the John Haskell Site, Orange County, New York.**
NYS Office of Parks, Recreation and Historic Preservation.
- 1976 **Archaeological Testing of a Portion of the New Windsor Cantonment State Historic**
Site, Vails Gate, New York 1974. NYS Office of Parks, Recreation and Historic
Preservation.

Guillet, Gail

- 2006** Phase 1 Cultural Resource Report and Phase 2 Archaeological Investigation, Woodlawn Manor, Forest Hill Drive, Town of New Windsor, Orange County, New York. Citi/Scape Cultural Resource Consultants.

Headley, Russell (ed.)

- 1908** The History of Orange County.
Middletown (N.Y.): VanDusen and Elm.

Hunter Research Associates

- 1989** A Phase 2 Cultural Resource Survey for the Epiphany Apostolic College Property, Town of New Windsor, Orange County, New York.
- 1988** A Phase I Archaeological Survey for the Windsor Square Property, Section 35, Block 1, Lots 42.1 and 42.2, Town of New Windsor, Orange County New York.

Lathrop, J.M.

- 1903** Atlas of Orange County, New York.
Philadelphia (Pa.): A.H. Mueller & Company.

Lenik, E. J., N.L. Gibbs, and Q.S. Jacobs

- 1989** Archaeological Investigations of the Tanner-Gordon Property, Town of New Windsor, Orange County, New York. Sheffield Archeological Consultants.

Oberon, S.J.

- 2002** Phase I Cultural Resources Survey, Site Assessment and Site Identification Phases, Supplementary Phase IB Field Investigations and Limited Phase II Site Evaluation Study, Proposed Covington Development Property, Town of New Windsor, Orange County, New York. Columbia Heritage, Ltd.
- 2001** Phase I Cultural Resources Survey, Site Assessment and Site Identification Phases, Cornwall Commons Development, Towns of Cornwall and New Windsor, Orange County, New York. Columbia Heritage, Ltd.

Parker, Arthur C.

- 1920** The Archaeological History of New York State.
New York State Museum Bulletin 237,238. Albany (N.Y.):
The University of the State of New York.

Pickering, Timothy

- 1782** Plan and Disposition proposed for the huts of the winter following 1782. Copy on file at NYS Office of Parks, Recreation and Historic Preservation, Bureau of Historic Sites, Peebles Island, Waterford, New York.

Ross, Barbara

- 1988** A Cultural Resource Survey of Sewerline Corridor; Stewart Airport to Vails Gate, Town of New Windsor, Orange County, NY. Albany (N.Y.): NYS Division of Research and Collections, New York State Museum.

- Ritchie, William A.
1969 The Archaeology of New York State (Revised Edition).
Garden City (N.Y.): Natural History Press.
- Ritchie, W.A. and R.E. Funk
1973 Aboriginal Settlement Patterns in the Northeast.
New York State Museum Memoir No. 20. Albany (N.Y.):
The New York State Education Department.
- Ruttenber, E.M. and L.H. Clark (comp.)
1881 History of Orange County, New York. (Republished 1980
Interlaken (N.Y.): Heart of the Lakes Press.)
- Sauthier, C.J.
1779 A Chorographical Map of the Province of New York.
London (England): William Fadden.
- Seese, Mildred
1941 Old Orange Houses.
Middletown (N.Y.): Whitlock Press.
- Shipp, Margery
1979 Orange County Settlements.
Newburgh (N.Y.): Newburgh Free Library.
- Sidney, J.C.
1851 Map of Orange County, New York.
Philadelphia (Pa.): Newell S. Brown.
- Soil Survey
1972 Soil Survey of Orange County.
U.S. Department of Agriculture Soil Conservation Service.
- Thompson, John H.
1966 Geography of New York State.
Syracuse (N.Y.): Syracuse University Press.
- United States Department of the Interior
1971 National Register of Historic Places Inventory-Nomination Form,
New Windsor Cantonment, Temple Hill Road, New Windsor, New York.
National Parks Service, US Department of the Interior.
- USGS
1969 Cornwall, NY 7.5-Minute Quadrangle.
Washington, D.C.: United States Geological Society.

FIGURES



LOCATION OF STUDY AREA ON USGS
7.5' SERIES CORNWALL, NY QUAD

KEY

BRICK OR STONE BUILDING

WOOD

STABLE OR SHED

GREENHOUSE

FIRE HYDRANT

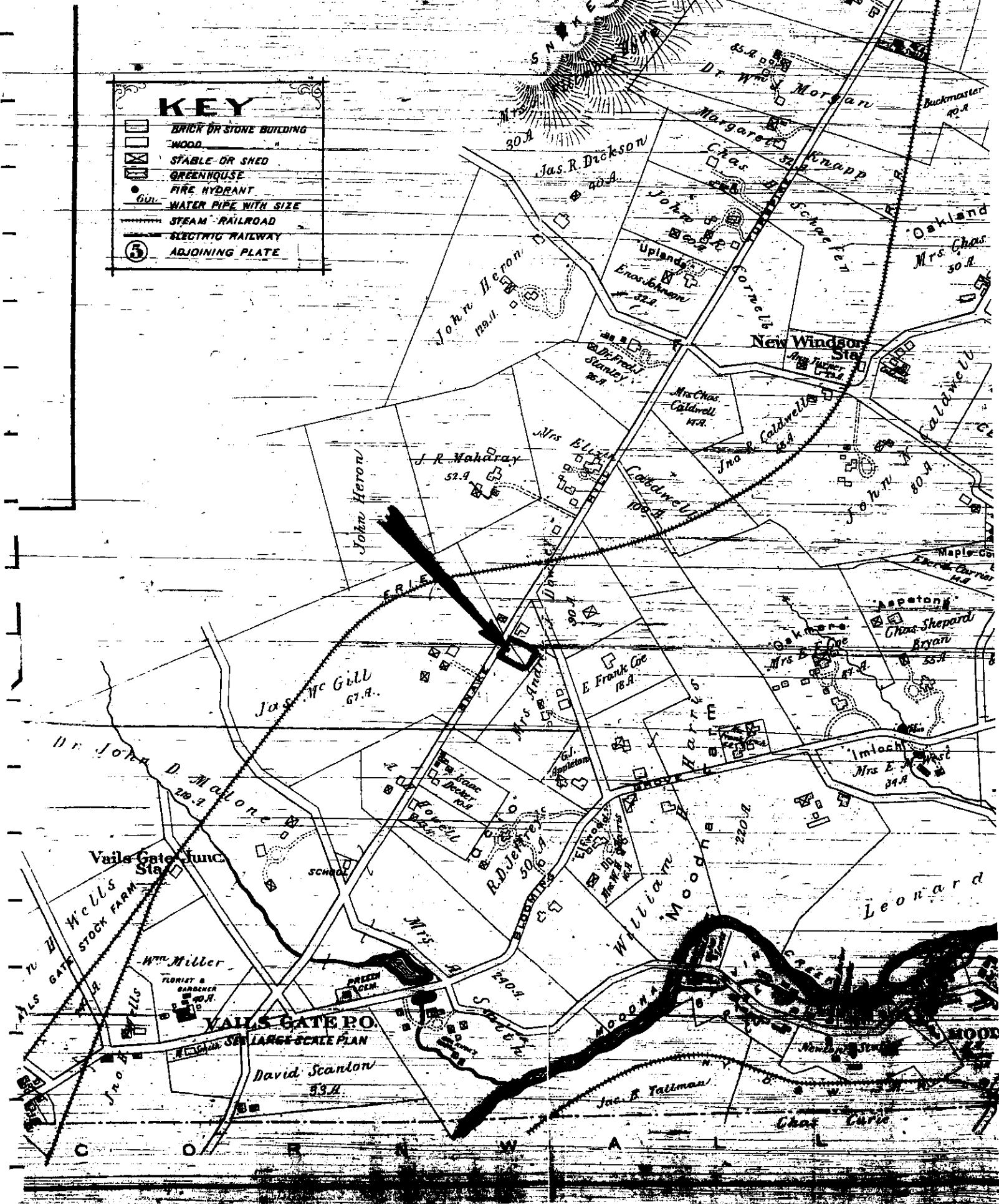
GULCH

WATER PIPE WITH SIZE

STEAM RAILROAD

ELECTRIC RAILWAY

ADJOINING PLATE



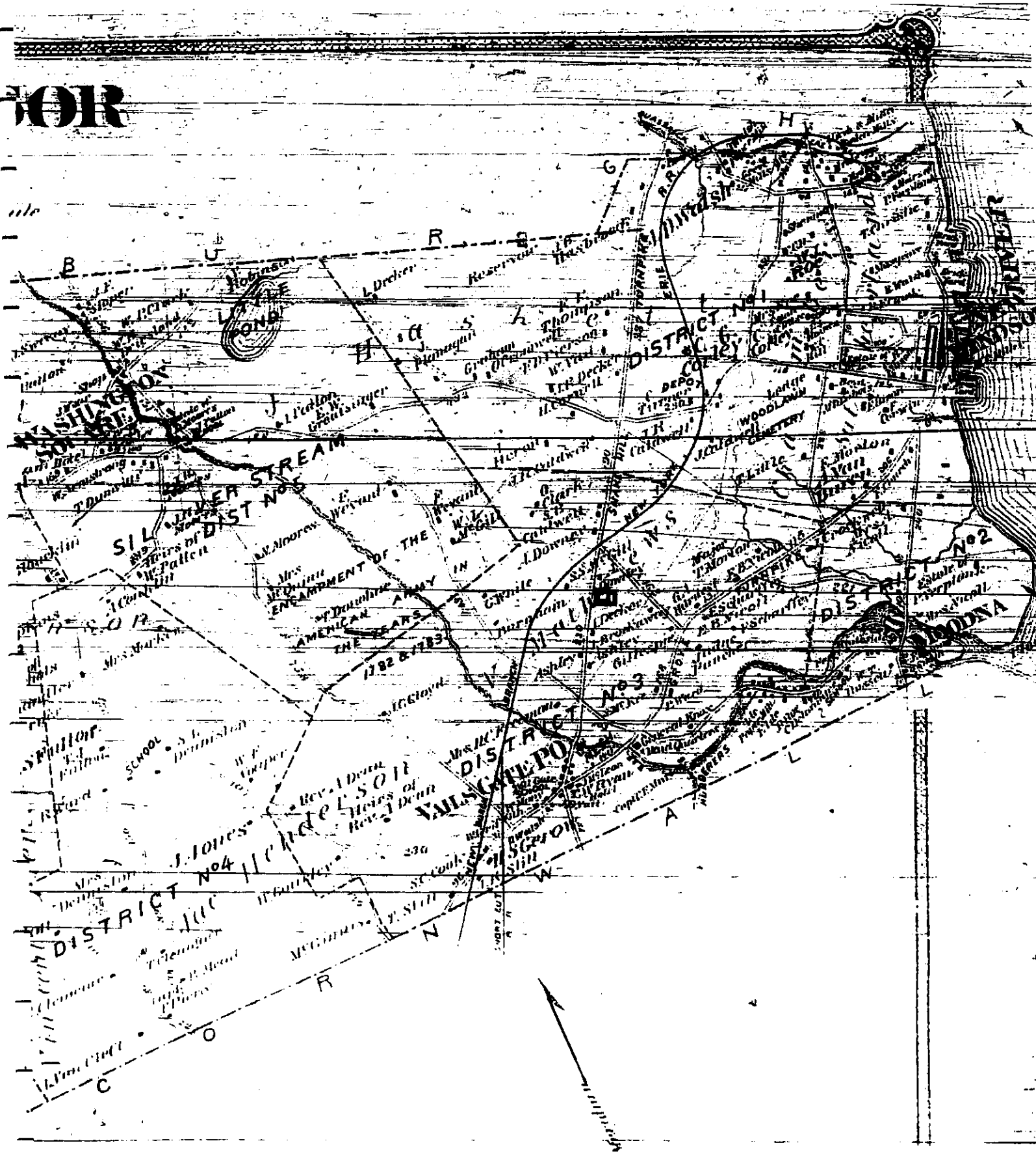
STUDY AREA AND VICINITY - 1903
(from Lathrop 1903)

ION OF
COUNTY.

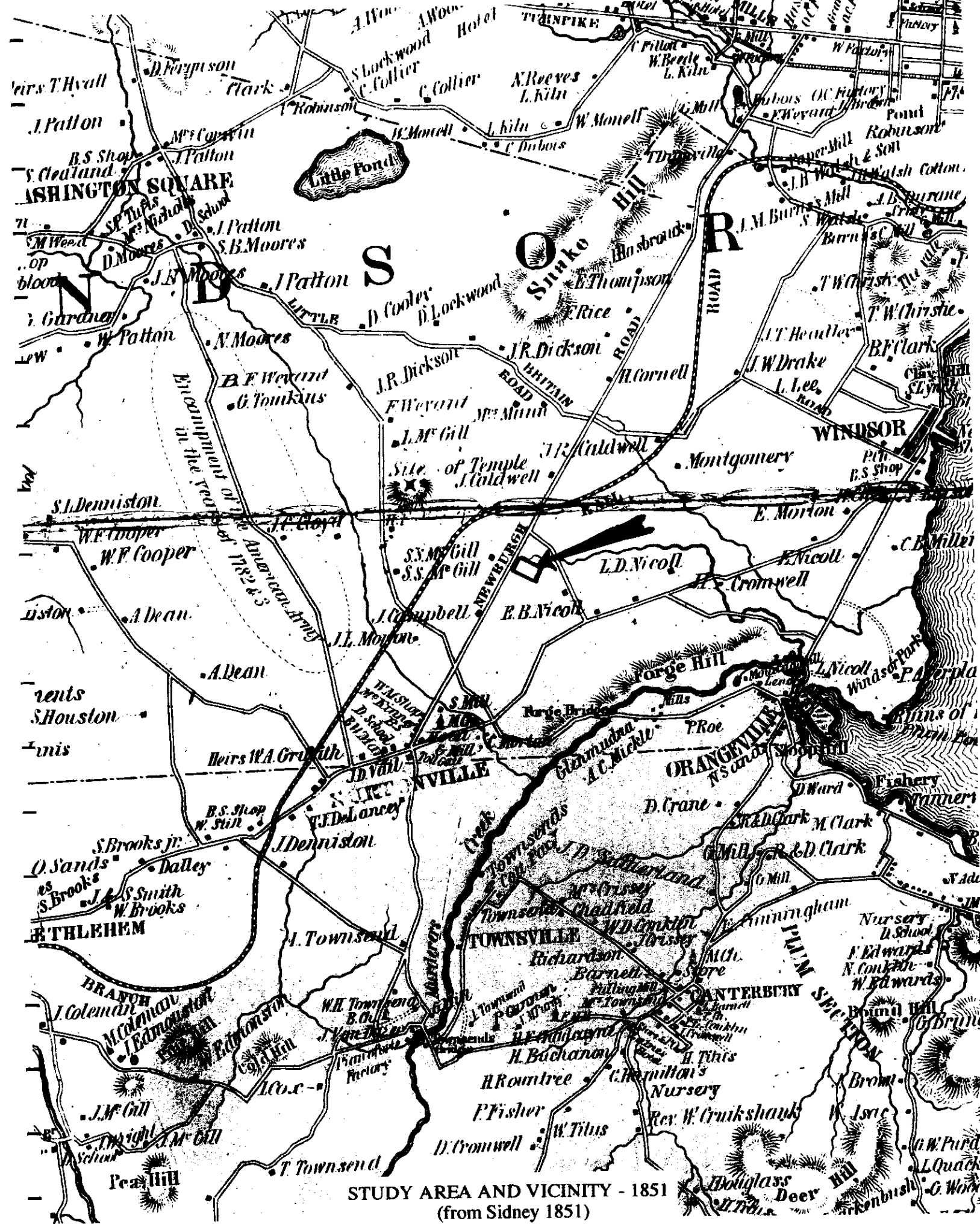


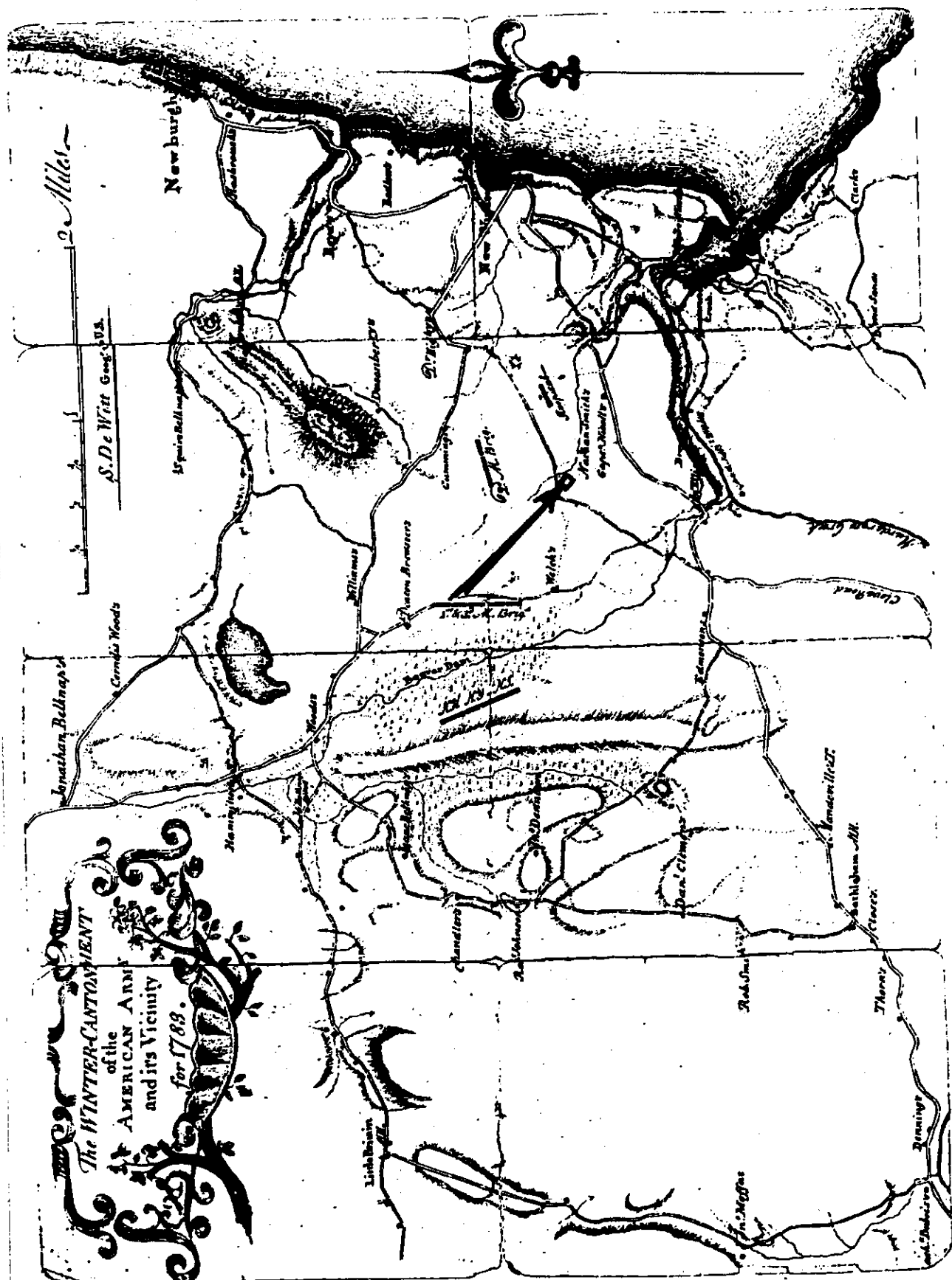
STUDY AREA AND VICINITY - 1891
(from Beers 1891)

FOR



STUDY AREA AND VICINITY - 1875
(from Beers 1875)





STUDY AREA AND VICINITY - 1782 (from Pickering 1782)

PHOTODOCUMENTATION

GENERAL PHOTOS



PHOTO 1 - View of existing structure (to E)



PHOTO 2 - Central portion of property with existing garage (view to NE)



PHOTO 3 - Central and southeastern portions of property, paved drive foreground (to SE)



PHOTO 4 - Portion of parcel northeast of drainange (view to SE)



PHOTO 5 - Southeastern portion of property near limits of APE (view to SE)



PHOTO 6 - Detail of bedrock at ground surface in western part of parcel

STRUCTURE PHOTOS



Existing residence at 287 Windsor Highway (view to SE)

SUBSURFACE SAMPLING RECORD

RIZZI SUBDIVISION - CA613B

PHASE IB SUBSURFACE SAMPLING RECORD

<u>UNIT</u>	<u>STRATUM</u>	<u>DEPTH(cm)</u>	<u>SOIL PROFILE</u>	<u>CULTURAL</u>
TRANSECT 1				
TP-1	1	0-8	dark brown silt, trace sand, dense cmf gravel, cobbles, under turf	none
	2	8-25+	yellow tan silt, trace sand, dense cmf gravel, cobbles	none
TP-2	1	0-10	(same as above)	none
	2	10-12 (bedrock @ 12cm - test abandoned)	(same as above)	none
TP-3	1	0-10	(same as above)	none
	2	10-32+	(same as above)	none
TP-4	1	0-12	(same, under dark brown root/leaf mat)	none
	2	12-37+	(same as above)	none
TP-5	1	0-8	(same as above)	aluminum(NR)
	2	8-20+	(same as above)	none
TP-6	1	0-11	(same as above)	none
	2	11-33+	(same as above)	none
TP-7	1	0-12	(same, under dark brown root/leaf mat)	none
	2	12-30+	(same as above)	none
TP-8	1	0-10	(same as above)	none
	2	10-35+	(same as above)	none
TP-9	1	0-12	(same as above)	plastic (NR)
	2	12-33+	(same as above)	none
TP-10	1	0-13	(same, with boulders)	none
	2	13-35+	(same as above)	none
TRANSECT 2				
TP-1	1	0-5	dark brown silt, trace sand, dense cmf gravel, under turf	glass (NR)
	2	5-30+	yellow brown silt, some sand, dense cmf gravel, cobbles	none

TP-2	1	0-5	(same as above)	none
	2	5-19	(same, bedrock @ 19cm - test abandoned)	none
TP-3		(paved - not dug)		
TP-4	1	0-6	(same as above)	none
		(bedrock @ 6cm - test abandoned)		
TP-5	1	0-9	(same as above)	none
	2	9-30+	yellow brown silt, some sand, dense cmf gravel, cobbles	none
TP-6	1	0-12	(same as above)	none
	2	12-34+	(same as above)	none
TP-7	1	0-4	(same as above)	none
		(bedrock @ 4cm - test abandoned)		
TP-8	1	0-5	(same as above)	none
		(bedrock @ 5cm - test abandoned)		
TP-9	1	0-11	(same as above)	none
	2	11-36+	yellow brown silt, some sand, dense cmf gravel, cobbles	none
TP-10	1	0-12	(same as above)	none
	2	12-36+	(same as above)	none

TRANSECT 3

TP-1	1	0-7	dark brown silt, trace sand, dense cmf gravel under turf	none
		(bedrock @ 7cm - test abandoned)		
TP-2	1	0-8	(same as above)	none
		(bedrock @ 8cm - test abandoned)		
TP-3		(paved area - not dug)		
TP-4	1	0-8	(same, denser gravel)	none
		(bedrock @ 8cm - test abandoned)		
TP-5	1	0-8	(same, less dense gravel)	aluminum foil (NR)
	2	8-27+	yellow brown silt, trace sand, cmf gravel, cobbles	none

TP-6	1	0-12	(same as above)	none
	2	12-34+	(same as above)	none
TP-7	1	0-10	(same as above)	none
	2	10-19 (bedrock @ 19cm - test abandoned)	(same as above)	none
TP-8	1	0-12	(same as above)	none
	2	12-30+	(same as above)	none
TP-9	1	0-13	(same, moister)	none
	2	13-32+	(same, moister, trace clay)	none
TP-10	1	0-13	(same as above)	none
	2	13-33+	(same as above)	none

TRANSECT 4

TP-1	1	0-5	dark brown silt, trace sand, dense cmf gravel (bedrock @ 5cm - test abandoned)	none
TP-2	1	0-9	(same as above)	none
	2	9-18 (bedrock @ 18cm - test abandoned)	(same as above)	none
TP-3	1	0-10	(same as above)	none
	2	10-20 (bedrock @ 20cm - test abandoned)	(same as above)	none
TP-4	1	0-10 (bedrock @ 10cm - test abandoned)	(same as above)	none
TP-5		(structure - not dug)		
TP-6	1	0-11 (bedrock @ 11cm - test abandoned)	(same as above)	none
TP-7	1	0-10	(same as above)	none
	2	10-22 (bedrock @ 22cm - test abandoned)	tan brown silt, trace sand, dense cmf gravel, cobbles	none
TP-8	1	0-12	(same, under dark brown root/leaf mat)	none
	2	12-25+	(same as above)	none
TP-9	1	0-10	(same, moister, trace clay)	glass (NR)
	2	10-28+	(same, moister, some clay)	none

TP-10	1	0-12	(same as above)	none
	2	12-34+	(same as above)	none

TRANSECT 5

TP-1	1	0-10	dark brown silt, trace sand, cmf gravel, under grasses (bedrock @ 10cm - test abandoned)	glass (NR)
TP-2	1	0-12	(same as above)	none
	2	12-30+	yellow brown silt, some sand, cmf gravel, cobbles	none
TP-3	1	0-8	(same as above)	none
	2	8-20	(same as above) (bedrock @ 20cm - test abandoned)	none
TP-4	1	0-11	(same as above) (bedrock @ 11cm - test abandoned)	none
TP-5	1	0-11	(same as above)	none
	2	11-24	(same as above) (bedrock @ 24cm - test abandoned)	none
TP-6	1	0-10	(same, with denser cmf gravel and cobbles under dark brown root/leaf mat)	none
	2	10-15	(same as above) (bedrock @ 15cm - test abandoned)	none
TP-7	1	0-11	(same as above)	none
	2	11-22	(same as above) (bedrock @ 22cm - test abandoned)	none
TP-8	1	0-11	(same as above)	none
	2	11-18	(same as above) (bedrock @ 18cm - test abandoned)	none
TP-9	1	0-10	(same as above)	none
	2	10-29+	tan brown silt, trace sand, dense cmf gravel	none
TP-10	1	0-10	(same as above)	none
	2	10-12	(same, trace clay) (bedrock @ 12cm - test abandoned)	none

NR = not retained

PLANNING BOARD

TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Appl No: 5-6

File Date: 03/21/2005

SEC-BLK-LOT: 35-1-52-0

Project Name: VITO A. RIZZI OFFICE/RETAIL BUILDING PA2005-0110 Type: 3

Location: WINDSOR HIGHWAY

Owner's Name: VITO A. RIZZI
Address: 3 ASHLEY WAY - CORNWALL, NY 12518

Phone: (845) 534-5102

Applicant's Name: VITO A. RIZZI
Address: 3 ASHLEY WAY - CORNWALL, NY 12518

Phone: (845) 534-5102

Preparer's Name: GREGORY SHAW, P.E.
Address: 744 BROADWAY - NEWBURGH, NY

Phone: (845) 561-3695

Proxy/Attny's Name: N/A
Address:

Phone:

Notify: GREGORY SHAW

Phone: (845) 561-3695

Size: NEW BUILDING

Acreage 3.000	Zoned C	Prop-Class 0	Stage	Status A
Printed-on 05/12/2009	Schl-Dist NEWB	Sewr-Dist	Fire-Dist	Light-Dist

Appl for: CONSTRUCTION OF A 14,510 SF BUILDING FOR OFFICE AND RETAIL USE ALONG WITH 97 PARKING SPACES

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

P.O. # 05-06

534-5102

287 Windsor High

VITO A. RIZZI
MARYANNE RIZZI
3 ASHLEY WAY
CORNWALL, NY 12518

1557

5/8/09
DATE

1-32/210 NY
60280

PAY TO THE
ORDER OF

Town of New Windsor

\$ 5,102 ^{XX}/_{XX}

Five Thousand one hundred two ~~xx~~

DOLLARS

Security
Features
Details on
Back

Bank of America

Premier Banking

ACH R/T 021000322

Inspection Fee

Vito A. Rizzi

⑆021000322⑆ 009453192114⑈1557

Nicole

There is usually
a summary sheet which
accompanies the inspection
fee

see attached sample

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/20/2009

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 7-13

NAME: BLOOM & BLOOM SITE PLAN AMENDMENT PA2006-827
APPLICANT: PETER E. BLOOM AND DANIEL J. BLOOM

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/13/2009	PER MARK - ESTIMATE	CHG	250.00		
04/20/2009	2% INSPECTION FEE CK# 377	PAID		250.00	
	TOTAL:		250.00	250.00	0.00

ENS fee 4/27
10-0300-12560000 fd
4-20-09

P.B. 07-13 Inspection Fee

Bloom & Bloom, P.C.
ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 4323
NEW WINDSOR, NEW YORK 12553
TELEPHONE (845) 581-6920

REMITTANCE ADVICE					
Bloom Site Plan					

3778

50-7131
2219

PAY Two Hundred Fifty and 00/100 DOLLARS

DATE	TO THE ORDER OF
4/17/09	Town of New Windsor

250.00

ATTORNEY BUSINESS ACCOUNT

WALDEN SAVINGS BANK - NEW WINDSOR OFFICE
113 QUASSAICK AVE. - NEW WINDSOR, NY 12553

Carol A. Lynn

⑈003778⑈ ⑆221971316⑆06 98 002605⑈

TOWN OF NEW WINDSOR
PLANNING BOARD

RECEIPT OF MONEY RECEIVED:

DATE RECEIVED: 05-08-2009

FOR: PB#05-06

FROM: VITO RIZZI

287 Windsor Highway

New Windsor, NY 12553

CHECK NUMBER: 1556

AMOUNT: \$ 2217.20

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

J. Fennema
5-9-09

JACK PLEASE CLOSE OUT.

Nicole
Do you have
the back-up sheet
that goes with
this? like you do
with the Zoning
Board called the
"Record of Charges
& Payments".
Maybe you
don't
Jack

P.B. # 05-06
VITO A. RIZZI
MARYANNE RIZZI
3 ASHLEY WAY
CORNWALL, NY 12518

534-5102

ESCROW

5/8/09

DATE

1556

1-32/210 NY
60280

PAY TO THE
ORDER OF

Town of New Windsor

\$ 2217 ²⁰/₁₀₀

Two thousand two hundred seventeen

DOLLARS

1

Security
Features
Details on
Back

Bank of America

Premier Banking

ACH RVT 021000322

287 WINDSOR HIGH - ESCROW VITO A. RIZZI

⑆021000322⑆ 009453192114⑈1556

#200 2009
05/08/2009

Rizzi, Vito
3 Ashley Way
Cornwall, NY 12518

Received \$ 125.00 for Planning Board Fees, on 05/08/2009. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

Pb# 05-06 - approval fee

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/08/2009

PLANNING BOARD FINANCIAL SUMMARY REPORT

PROJECT NO: 05-6

PROJECT NAME: VITO A. RIZZI OFFICE/RETAIL BUILDING PA2005-0110

OWNER NAME: VITO A. RIZZI

DESCRIPTION-----	--AMT-CHG	-AMT-PAID	--BAL-DUE
E ESCROW	2967.20	2967.20	0.00
A APPLICATION	125.00	125.00	0.00
Z APPROVAL	125.00	125.00	0.00
4 4% FEE	5102.00	5102.00	0.00
	=====	=====	=====
GRAND TOTAL:	8319.20	8319.20	0.00



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE PLANNING BOARD

May 5, 2009

GREG SHAW (VITO RIZZI)
744 BROADWAY
NEWBURGH, NY 12550

ATTN: GREG SHAW

SUBJECT: 05-06 VITO RIZZI SITE PLAN

Dear Mr. Shaw:

Please find attached printouts of fees due for subject project. There is a balance remaining in the escrow account that will be returned to the applicant.

Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

Check #1 - Approval Fee.....	\$ 125.00
Check #2 - ESCROW.....	\$ 2,217.20
Check #3- 2% Inspection Fee.....	\$ 5,102.00

Upon receipt of these checks and ten (10) sets of plans (maximum 12) with mylar, I will have them stamped and signed approved. Please keep in mind the office retains 6 copies.

If you have any questions in this regard, please contact my office.

Very truly yours,

Nicole T. Julian, Secretary To The
NEW WINDSOR PLANNING BOARD

MLM

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/06/2009

PAGE: 1

LISTING OF PLANNING BOARD **FEEs**
APPROVAL

FOR PROJECT NUMBER: 5-6

NAME: VITO A. RIZZI OFFICE/RETAIL BUILDING PA2005-0110

APPLICANT: VITO A. RIZZI

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/06/2009	APPROVAL FEE	CHG	125.00		
			-----	-----	-----
		TOTAL:	125.00	0.00	125.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/05/2009

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 5-6

NAME: VITO A. RIZZI OFFICE/RETAIL BUILDING PA2005-0110

APPLICANT: VITO A. RIZZI

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
03/21/2005	REC. CK. #1182	PAID		750.00	
03/23/2005	P.B. MINUTES	CHG	35.00		
02/27/2008	P.B. MINUTES	CHG	70.00		
06/20/2008	LEGAL NOTICE	CHG	11.90		
07/31/2008	P.B. MINUTES	CHG	154.00		
05/04/2009	P.B. ENGINEER FEES	CHG	2311.30		
05/04/2009	P.B. ATTY. FEES	CHG	385.00		
			-----	-----	-----
		TOTAL:	2967.20	750.00	2217.20

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/05/2009

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
4% FEE

FOR PROJECT NUMBER: 5-6

NAME: VITO A. RIZZI OFFICE/RETAIL BUILDING PA2005-0110
APPLICANT: VITO A. RIZZI

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/04/2009	2% INSPECTION FEES	CHG	5102.00		
			-----	-----	-----
		TOTAL:	5102.00	0.00	5102.00

123422	REVIEW M EDSALL'S COMMENTS PB# 05-06				
Feb 27/2008	Lawyer: DRC 0.40 Hrs X 175.00			70.00	6799
126589	ATTEND PLANNING BOARD MEETING PB# 05-06				
Mar 14/2008	Billing on Invoice 6799			0.00	6799
130126	FEEES 105.00				
Apr 4/2008	TOWN OF NEW WINDSOR	013144	105.00		
135299	PMT - PAYMENT ON ACCOUNT				
Apr 11/2008	Lawyer: DRC 0.20 Hrs X 175.00			35.00	7485
136949	REVIEW VARIOUS CORRESPONDENCE PB# 05-06				
May 19/2008	Billing on Invoice 7485			0.00	7485
145467	FEEES 35.00				
May 20/2008	Lawyer: DRC 0.10 Hrs X 175.00			17.50	7841
146588	REVIEW CORRESPONDENCE FROM NYSDOT PB# 05-06				
May 30/2008	TOWN OF NEW WINDSOR	013629	35.00		
150147	PMT - PAYMENT ON ACCOUNT				
Jun 9/2008	Billing on Invoice 7841			0.00	7841
151571	FEEES 17.50				
Jun 20/2008	TOWN OF NEW WINDSOR	013801	17.50		
154951	PMT - PAYMENT ON ACCOUNT				
Aug 12/2008	Lawyer: DRC 0.10 Hrs X 175.00			17.50	9099
168836	REVIEW M EDSALL'S COMMENTS PB# 05-06				
Aug 12/2008	Lawyer: DRC 0.40 Hrs X 175.00			70.00	9099
168837	AGGREGATE TIME SPENT TO REVIEW AND REVISE RESOLUTIONS OF APPROVAL AND DRAFT NEG DEC PB# 05-06				
Aug 13/2008	Lawyer: DRC 0.60 Hrs X 175.00			105.00	9099
168921	ATTEND PLANNING BOARD MEETING PB# 05-06				
Sep 22/2008	Billing on Invoice 9099			0.00	9099
177792	FEEES 192.50				
Oct 3/2008	TOWN OF NEW WINDSOR	014839	192.50		
181425	PMT - PAYMENT ON ACCOUNT				
Nov 12/2008	Lawyer: DRC 0.20 Hrs X 175.00			35.00	10117
192301	REVIEW LETTER FROM OPRHP PB# 05-06				
Dec 8/2008	Billing on Invoice 10117			0.00	10117
197312	FEEES 35.00				
Dec 19/2008	TOWN OF NEW WINDSOR	015430	35.00		
200885	PMT - PAYMENT ON ACCOUNT				

TOTALS	CHE	UNBILLED	FEEES	= TOTAL	DISBS	BILLED	+ TAX	- RECEIPTS	BALANCES	TRUST
PERIOD	0.00	0.00	0.00	0.00	0.00	385.00	0.00		0.00	0.00

REPORT SELECTIONS - Client Ledger

Layout Template	Default
Requested by	Rose Thoma
Finished	Monday, January 19, 2009 at 02:49:53 PM
Ver	8.20c
Matters	6185902
Clients	All
Major Clients	All
Client Intro Lawyer	All
Matter Intro Lawyer	All
Responsible Lawyer	All
Assigned Lawyer	All
Type of Law	All
Select From	Active, Inactive Matters
Matters Sort by	Default
New Page for Each Lawyer	No
New Page for Each Matter	No
No Activity Date	Dec 31/2199
Firm Totals Only	No
Totals Only	No
Entries Shown - Billed Only	No
Entries Shown - Disbursements	Yes
Entries Shown - Receipts	Yes
Entries Shown - Time or Fees	Yes
Entries Shown - Trust	Yes
Incl. Matters with Retainer Bal	No
Incl. Matters with Neg Unbld Disb	No
Trust Account	All
Working Lawyer	All
Include Corrected Entries	No
Show Check # on Paid Payables	No
Show Client Address	No
Consolidate Payments	No
Show Trust Summary by Account	No
Printed from	Register

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 5- 6

FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	-----DOLLARS-----	
										BILLED	BALANCE	
5-6	340499	01/09/08	TIME	MJE	WS	RIZZI S/P RT 32	124.00	0.40	49.60			
5-6	343915	02/22/08	TIME	MJE	AA	L/A COORD LTR-EMC MM	124.00	0.40	49.60			
5-6	343916	02/22/08	TIME	MJE	AA	OCDP REFERRAL-EMC MM	124.00	0.40	49.60			
5-6	343917	02/22/08	TIME	MJE	AA	DOT REF LTR/EMC MM	124.00	0.40	49.60			
5-6	343937	02/22/08	TIME	MJE	MR	VITO RIZZI S/P RVW	124.00	1.20	148.80			
5-6	344689	02/26/08	TIME	MJE	MC	RIZZI W/GA	124.00	0.20	24.80			
5-6	344697	02/26/08	TIME	MJE	MC	RIZZI W/MB	124.00	0.20	24.80			
5-6	344702	02/27/08	TIME	MJE	MM	RIZZI S/P-REG MTG	124.00	0.50	62.00			
5-6	345758	03/03/08	TIME	MJE	MC	SHAW-RT 32 DRAINAGE	124.00	0.40	49.60			
									508.40			
5-6	347196	03/25/08				BILL 08-850					-508.40	
											-508.40	
5-6	417325					PD/CR 08-850 PD 04/09/08		508.40				
5-6	349718	04/11/08	TIME	MJE	MC	DISC RIZZI DRAINAGE	124.00	0.40	49.60			
5-6	349720	04/11/08	TIME	MJE	MC	PJH:IANNIS	124.00	0.20	24.80			
5-6	349736	04/14/08	TIME	MJE	MC	RIZZI DRAINAGE	124.00	0.40	49.60			
5-6	349745	04/14/08	TIME	MJE	MC	GJS:RIZZI ISSUES	124.00	0.20	24.80			
5-6	351213	04/14/08	TIME	PJH	MR	VITO RIZZI	124.00	0.50	62.00			
5-6	349748	04/15/08	TIME	MJE	MC	RIZZI DRAINAGE	124.00	0.30	37.20			
5-6	351219	04/15/08	TIME	PJH	MR	VITO RIZZI	124.00	1.00	124.00			
5-6	349764	04/16/08	TIME	MJE	PM	MTG/GJS:RIZZI	124.00	0.30	37.20			
5-6	350762	04/16/08	TIME	PSR	CL	CORRES:RIZZI S/D	32.00	0.50	16.00			
									425.20			
5-6	355626	06/04/08				BILL 08-1394					-425.20	
											-425.20	
5-6	417959					PD/CR 08-1394 PD 06/19/08		425.20				
5-6	361818	07/17/08	TIME	MJE	MC	EMC MM-RIZZI S/P P/E	124.00	0.30	37.20			
5-6	361826	07/18/08	TIME	MJE	MC	TC/SHAW-RIZZI STATUS	124.00	0.30	37.20			
5-6	364351	07/31/08	TIME	JRS	MR	VITO RITI S/P SWPPP	124.00	2.50	310.00			
5-6	364354	08/01/08	TIME	JRS	MR	VITO RITI S/P SWPPP	124.00	0.50	62.00			
5-6	364305	08/01/08	TIME	CTL	CL	VITO RIZZI SWPPP	32.00	0.20	6.40			
5-6	365646	08/06/08	TIME	MJE	MR	RIZZI S/P	124.00	0.30	37.20			
5-6	366363	08/11/08	TIME	MJE	MR	RIZZI S/P	124.00	0.30	37.20			
5-6	366366	08/12/08	TIME	MJE	MR	RIZZI S/P	124.00	0.10	12.40			
5-6	366372	08/12/08	TIME	MJE	PM	RVW RIZZI/GA	124.00	0.30	37.20			
5-6	365168	08/13/08	TIME	MJE	MM	RIZZI S/P COND APPL	124.00	0.10	12.40			
5-6	366380	08/13/08	TIME	MJE	MM	RIZZI S/P PUBLIC HRA	124.00	0.70	86.80			
5-6	366385	08/14/08	TIME	MJE	MC	SHAW:RIZZI	124.00	0.30	37.20			
									713.20			
5-6	370089	09/18/08				BILL 08-2465					-713.20	
											-713.20	
5-6	419151					PD/CR 08-2465 PD 10/31/08		713.20				
5-6	385488	01/05/09	TIME	JRS	MR	VITO RITI S/P SWPPP	129.00	2.00	258.00			
5-6	385635	01/05/09	TIME	CTL	CL	SWPPP PIZZI	33.00	0.20	6.60			
									264.60			
5-6	391899	02/25/09				BILL 09-554					-264.60	
											-264.60	

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 5- 6

FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	-----DOLLARS-----	
											BILLED	BALANCE
5-6	420973					PD/CR 09-554 PD 03/19/09		264.60				
5-6	398193	04/02/09	TIME	MJE	MC	TC/DC RE:RIZZI	129.00	0.30	38.70			
5-6	398194	04/02/09	TIME	MJE	MC	TC/SHAW RE:RIZZI	129.00	0.30	38.70			
5-6	399305	04/06/09	TIME	MJE	MC	EMC MM-RIZZI ISSUES	129.00	0.20	25.80			
5-6	399308	04/08/09	TIME	MJE	PM	MTG RIZZI AT SHAW	129.00	0.40	51.60			
5-6	399652	04/09/09	TIME	JRS	MR	V/SWPPP MW4 ACCEPTAN	129.00	0.40	51.60			
5-6	400697	04/16/09	TIME	MJE	MC	EMC NICOLE RE RIZZI	129.00	0.20	25.80			
TASK TOTAL									2143.60		-1911.40	232.20
										0.00		
GRAND TOTAL									2143.60		-1911.40	232.20
										0.00		

Final Plan Review .4 51.60
 Cost Est Review .4 51.60
 Closeout @ TH .5 64.50

2311.30

Shaw Engineering

Consulting Engineers

744 Broadway
P.O. Box 2569
Newburgh, New York 12550
(845) 561-3695

December 8, 2008

Chairman Genaro Argenio and
Members of the Planning Board
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, New York 12553

Re: New Office / Retail Building for Vito A. Rizzi
287 Windsor Highway

Gentlemen:

We have presented below for your consideration our Construction Estimate for the site improvements for the New Office / Retail Building for Vito A. Rizzi. Our Estimate is as follows:

CONSTRUCTION ESTIMATE

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
Erosion Control	2.19 Ac	\$ 2,000	\$ 4,380
Catch Basin	14 Ea.	\$ 2,700	\$ 37,800
15" Storm Water Pipe	679 L.F.	\$ 30	\$ 20,370
18" Storm Water Pipe	63 L.F.	\$ 40	\$ 2,520
30" Storm Water Pipe	345 L.F.	\$ 58	\$ 20,010
Paving & Base	4,017 S.Y.	\$ 20	\$ 80,340
Parking Space Striping	918 L.F.	\$ 0.50	\$ 459
Handicapped Sign & Striping	2 Ea.	\$ 225	\$ 450
Concrete Curbing	1,594 L.F.	\$ 18	\$ 28,692
6' Wide Concrete Sidewalk	150 S.Y.	\$ 40	\$ 6,000
Masonry Refuse Enclosure	1 Ea.	\$ 5,000	\$ 5,000

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
6" Water Main	262 L.F.	\$ 42	\$ 11,004
Hydrants	1 Ea.	\$ 2,700	\$ 2,700
Split Rail Fence	380 L.F.	\$ 16	\$ 6,080
Pole With Single Luminaire	4 Ea.	\$ 1,500	\$ 6,000
Pole With Double Luminaire	2 Ea.	\$ 1,900	\$ 3,800
Landscaping Trees	52	\$ 250	\$ 13,000
Landscaping Shrubs	180	\$ 36	\$ 6,480
Total			\$ 255,085
TOTAL CONSTRUCTION ESTIMATE:			\$ 255,085

Should this Estimate be acceptable, my client will pay the 2% inspection fee of \$ 5,102.00

Respectfully submitted,

SHAW ENGINEERING



Gregory J. Shaw, P.E.
Principal

GJS:mmv

Cc: Vito A. Rizzi

**RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR SITE PLAN
APPROVAL OF AN OFFICE/RETAIL BUILDING**

*New Office/Retail Building for Vito A. Rizzi
PB #05-06*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a site plan by Vito A. Rizzi (the "applicant") for a project described as the "New Office/Retail Building for Vito A. Rizzi";

WHEREAS, the subject site is comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 35, block 1, and lot 52 (SBL 35-1-52); and

WHEREAS, the action involves a request for a site plan approval for a facility to contain both office and retail space; and

WHEREAS, the applicant has submitted a fully executed long form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted a coordinated SEQRA review for this project; and

WHEREAS, the Planning Board declared its intent to become the Lead Agency with respect to the Proposed Action and circulated a Notice of Intent to be Lead Agency to other involved and interested agencies; and

WHEREAS, having received no objection to the proposed Lead Agency designation within thirty (30) days after circulation of the Notice of Intent, the Planning Board was automatically designated the Lead Agency for environmental review of the Proposed Action; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for site plan approval was held on August 13, 2008 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, on August 13, 2008 the public hearing on the application for site plan approval was closed; and

WHEREAS, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded recommending local determination; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed site plan consisting of nine sheets, prepared by Shaw Engineering Consulting Engineers dated January 28, 2008, with no revisions; and

WHEREAS, the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of site plan.

NOW, THEREFORE, be it resolved as follows:

1. The Planning Board is lead agency for a coordinated review of this action;
2. This is an Unlisted Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;
5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member Van Leeuwen, seconded by Member Schlesinger, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	<u>Aye</u>	Nay	Abstain	Absent
Member, Howard Brown	<u>Aye</u>	Nay	Abstain	Absent
Member, Neil Schlesinger	<u>Aye</u>	Nay	Abstain	Absent
Member, Henry Vanleeuwen	<u>Aye</u>	Nay	Abstain	Absent
Chairman, Genaro Argenio	<u>Aye</u>	Nay	Abstain	Absent

Alternate, Henry Schieble	Aye	Nay	Abstain	<u>Absent</u>
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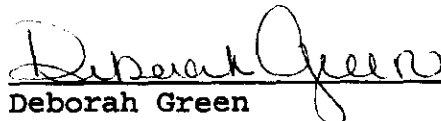
Dated: August 13, 2008
New Windsor, New York



Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 14th day
of ~~August~~, 2008.

April 2009



Deborah Green
Town Clerk

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for this Unlisted Action, for a coordinated review of this Unlisted Action.

Name of Project: New Office/Retail Building for Vito A. Rizzi
Action Type: Unlisted Action; coordinated Review
Location: 287 Windsor Highway
Tax Map Parcel: Section 65, Block 2, Lot 12.1

Summary of Action:

The action involves a request for site plan approval for a facility to contain both retail and office space.

Reasons Supporting the Negative Declaration:

Based on its consideration of the available information, the Planning Board finds there would be no significant adverse environmental effects associated with granting site plan approval of an office/retail building. With respect to traffic patterns, traffic safety and emergency access, the proposed project will have access to New York State Route 32. With respect to water and sewer resources, the facility will be served by public water and sewer. The site does not constitute significant habitat area for flora or fauna. The site is zoned for commercial use, and it is surrounded by other existing commercial uses, and will not have any impact on any cultural resource. The proposed site plan is considered to comply with all currently existing zoning requirements and municipal plans for the Town of New Windsor, and is consistent with the community character. Visual impacts, traffic, solid waste generation, energy consumption, nor public service demands would be significant or excessive for the development associated with this proposed site plan. No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: August 13, 2008

Agency Address: Town of New Windsor Planning Board
Town Hall – 555 Union Avenue
New Windsor, New York 12553
Tel. (845) 563-4615

Contact Person: Genaro Argenio, Planning Board Chairman

**RESOLUTION GRANTING SITE PLAN APPROVAL
FOR AN OFFICE/RETAIL BUILDING**

*New Office/Retail Building for Vito A. Rizzi
PB #05-06*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a site plan by Vito A. Rizzi (the "applicant") for a project described as the "New Office/Retail Building for Vito A. Rizzi";

WHEREAS, the subject site is comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 35, block 1, and lot 52 (SBL 35-1-52); and

WHEREAS, the action involves a request for a site plan approval for a facility to contain both office and retail space; and

WHEREAS, the applicant has submitted a fully executed long form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted a coordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for site plan approval was held on August 13, 2008 at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on August 13, 2008 the public hearing on the application for site plan approval was closed; and

WHEREAS, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded recommending local determination; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials,

including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed site plan consisting of nine sheets, prepared by Shaw Engineering Consulting Engineers dated January 28, 2008, with no revisions; and

WHEREAS, the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration as part of the approval of site plan.

NOW, THEREFORE, the Planning Board finds that the applicant has satisfied the requirements of Town Code § 300-86 and approves the site plan subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the site plan to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
4. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plan for signature within 360 days of the date of this resolution. The Planning Board hereby grants the two (2) ninety (90) day extensions as authorized by Town Law § 300-86(E)(1). This approval will expire on August 10, 2009, and no further extensions can be granted.

Upon motion made by Member Van Geenen, seconded by Member Schlesinger, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher

☒ Aye

Nay

Abstain

Absent

Member, Howard Brown

☒ Aye

Nay

Abstain

Absent

Member, Neil Schlesinger

☒ Aye

Nay

Abstain

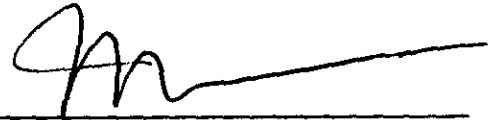
Absent

Alternate, Henry Schieble

Aye Nay Abstain

Absent

Dated: August 13, 2008
New Windsor, New York



Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 14th day
of August, 2008.

April 2009



Deborah Green
Town Clerk

**RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR SITE PLAN
APPROVAL OF AN OFFICE/RETAIL BUILDING**

*New Office/Retail Building for Vito A. Rizzi
PB #05-06*

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WHEREAS, the action involves a request for a site plan approval for a facility to contain both office and retail space; and

WHEREAS, the applicant has submitted a fully executed long form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted a coordinated SEQRA review for this project; and

WHEREAS, the Planning Board declared its intent to become the Lead Agency with respect to the Proposed Action and circulated a Notice of Intent to be Lead Agency to other involved and interested agencies; and

WHEREAS, having received no objection to the proposed Lead Agency designation within thirty (30) days after circulation of the Notice of Intent, the Planning Board was automatically designated the Lead Agency for environmental review of the Proposed Action; and

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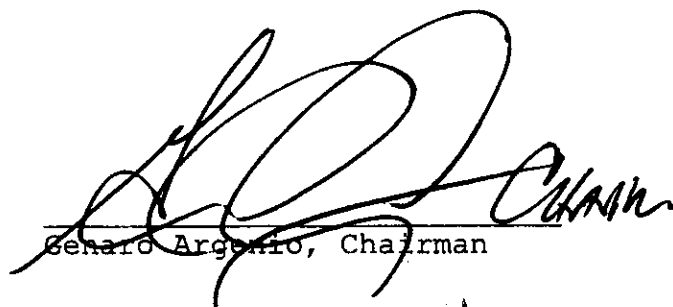
Upon motion made by Member HENRY VANLEEUVEN, seconded by Member NEIL SCHLESINGER, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	<u>Aye</u>	Nay	Abstain	Absent
Member, Howard Brown	<u>Aye</u>	Nay	Abstain	Absent
Member, Neil Schlesinger	<u>Aye</u>	Nay	Abstain	Absent
Member, Henry Vanleeuwen	<u>Aye</u>	Nay	Abstain	Absent
Chairman, Genaro Argenio	<u>Aye</u>	Nay	Abstain	Absent

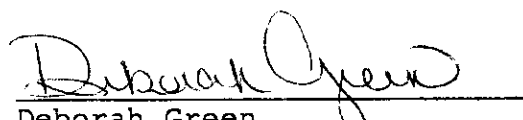
- - -

Alternate, Henry Schieble	Aye	Nay	Abstain	Absent
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Dated: August 13, 2008
New Windsor, New York


Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 14th day of August, 2008.


Deborah Green
Town Clerk

**TOWN OF NEW WINDSOR PLANNING BOARD
COUNTY OF ORANGE**

NEGATIVE DECLARATION

*New Office/Retail Building for Vito A. Rizzi
PB #05-06*

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for this Unlisted Action, for a coordinated review of this Unlisted Action.

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Reasons Supporting the Negative Declaration:

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Date of Adoption of Negative Declaration: August 13, 2008

Agency Address: Town of New Windsor Planning Board
Town Hall – 555 Union Avenue
New Windsor, New York 12553
Tel. (845) 563-4615

Contact Person: Genaro Argenio, Planning Board Chairman

**RESOLUTION GRANTING SITE PLAN APPROVAL
FOR AN OFFICE/RETAIL BUILDING**

*New Office/Retail Building for Vito A. Rizzi
PB #05-06*

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WHEREAS, the Planning Board conducted a coordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for site plan approval was held on August 13, 2008 at which time all those wishing to be heard were given the opportunity to heard; and

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WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials,

and

WHEREAS, the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration as part of the approval of site plan.

NOW, THEREFORE, the Planning Board finds that the applicant has satisfied the requirements of Town Code § 300-86 and approves the site plan subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the site plan to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
4. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plan for signature within 360 days of the date of this resolution. The Planning Board hereby grants the two (2) ninety (90) day extensions as authorized by Town Law § 300-86(E)(1). This approval will expire on August 10, 2009, and no further extensions can be granted.

Upon motion made by Member HENRY VANLEUVEN, seconded by Member NEIL SCHLESINGER, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	<u>Aye</u>	Nay	Abstain	Absent
Member, Howard Brown	<u>Aye</u>	Nay	Abstain	Absent
Member, Neil Schlesinger	<u>Aye</u>	Nay	Abstain	Absent

Member, Henry Vanleeuwen

Aye

Nay

Abstain

Absent

Chairman, Genaro Argenio

Aye

Nay

Abstain

Absent

- - -

Alternate, Henry Schieble

Aye

Nay

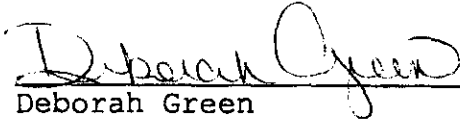
Abstain

Absent

Dated: August 13, 2008
New Windsor, New York


Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 14th day
of August, 2008.


Deborah Green
Town Clerk

Myra Mason

From: Mark Edsall [mje@mhepc.com]
Sent: Thursday, January 15, 2009 10:31 AM
To: Myra Mason
Subject: RE: REMINDER

I will email you fees for 08-15, 07-23, and 07-13.

Covington needs reapproval so that is a separate matter GA and I are dealing with.

You gave me Rizzi to review yesterday, once I am done I will let you know and send fee printout

From: Myra Mason [mailto:mmason@town.new-windsor.ny.us]
Sent: Wednesday, January 14, 2009 5:05 PM
To: Mark Edsall
Subject: REMINDER

Mark;

Not sure if we discussed what I needed to close out some files or to at least put them to rest for a while.

08-15 need fees (Ceriole/Lubkeman)
07-23 Need Fees (Moloney Subdivision)
08-11 & 01-41 (Covington) Should we be closing this out or what are we waiting for?
07-13 Need fees (Bloom & Bloom)
05-06 Need Fees – are we ready to close this (Vito Rizzi)

As I find others, I will e-mail you.

Thanks,
me

1/15/2009

PUBLIC_HEARINGS:

VITO_RIZZI_(05-06)

MR. ARGENIO: We're going to move directly to our regular items first of which is a public hearing, the Vito Rizzi site plan on Windsor Highway. I see Mr. Shaw here to represent this. This application proposes the construction of a 7,800 square foot office retail building on the three plus or minus acre site. The plan was previously reviewed at the 23 March, 2005, 27 February, 2008 planning board meetings. The application is before this board for a public hearing at this meeting. For those who are not familiar with our month procedures, I see we have quite a few people in the room, the board, the planning board is going to review this application. Mr. Shaw is going to walk us through it and tell us the improvements that he's made and the changes that he's made at our direction and Mr. Edsall's direction then we'll open it up to the public comment and close the public hearing and then we'll review it and then see where this is going to go. Greg, can you tell us about this? Turn it towards us please for the front end of this discussion. We gave you some comments last time, Greg, I have a list of them here, can you tell us what you did to correct them at first while the other board members take a moment to review what we have here?

MR. SHAW: I did not submit revised plans truly, the comment that Mark had had to do with some grading, very small area in the front on Windsor Highway. Subsequent to our last presentation before this board, we did complete the SWPPP.

MR. ARGENIO: That grading is right here, that problem, Greg, is right here? Mark?

MR. EDSALL: No, your pointer was correct.

MR. ARGENIO: Greg, it's right in this area.

MR. SHAW: I told you I didn't revise the plans.

MR. ARGENIO: So you're prepared. Go ahead.

MR. SHAW: But what we have done we completed the Storm Water Pollution Prevention Plan that was submitted to the board and to Mark and that review is complete. I believe you have that in your file. As part of the environmental review process, the letter was sent up to the state for an evaluation as to whether we needed an archeological study for this project. And it came back that they recommended a Phase 1A, Phase 1B study which we retained an archeologist, he prepared the document, it was sent up to the state and a copy was also submitted to this board. So those are probably the two main features that we have accomplished.

MR. ARGENIO: What's the sum and substance of that document?

MR. SHAW: Found nothing.

MR. ARGENIO: Okay.

MR. SHAW: So--

MR. ARGENIO: Did they drive by and take a look see if anything was there or actually dig?

MR. SHAW: Consisted of a document research which was 1A and test holes 50 feet on center which was the 1B.

MR. ARGENIO: So they did dig.

MR. SHAW: They had to do the dig I believe 24 inches in diameter 50 feet on center and again nothing found with the dig. So again that document was sent up to the state. Just giving you a brief overview of the

project, as you said, it's in a 3.0 acre parcel, the first 200 feet is in the C zone, the balance of the property is in the R-4 residential zone. There was a previous plan prepared I believe was in 2007 and an application was made to the Zoning Board of Appeals for a much larger project. At that time it was a I think a 14,500 square foot building with approximately 97 parking spaces. That variance was not granted by the Zoning Board of Appeals.

MR. ARGENIO: Too big a building?

MR. SHAW: And they didn't feel it was warranted so with that we basically downsized the building, went from 14,500 square feet to 7,800 square feet, approximately half of the original layout and instead of 97 spaces we're providing 58 spaces. As you can see with the design of the site plan we have entrance off Windsor Highway, the majority of the parking, and 100 percent of the building is within the residential zone. The only thing that goes into the commercial line is just a lane for refuse for possible unloading of the vehicles and 10 parking spaces. We'll need a permit from the New York State Department of Transportation for the highway entrance, that's pretty standard. The building will be connected to the town sewer system and with the town water system the building will be sprinklered. With respect to the number of spaces we're obligated to provide one space for every 150 square feet of building area, we're required to provide 52 spaces, we're providing 58 spaces, so in compliance with respect to the zoning. There are no tenants for the building right now and again our application is reflecting either office or retail depending on what the market will allow but we have provided in case it is retail for larger vehicles the access the site pull in behind the rear of the building and then pull out onto Windsor Highway driver first to allow them better access onto the state highway. And finally with respect to the project is the storm water detention

plan, as this board is aware, once we disturb over one acre we're obligated by the regulations of New York State to detain storm water flows for storms having return frequencies of 1, 10, 25 and 100 years. We're also obligated to take the storm water, collect it and to treat it so what we have created in the rear of the property is very simply a pond, a pond that will have four outlet pools which will be two permanent small pools of water in the pond and upon rainfall the water will come into the pond from the storm drainage system, we'll be choking back the flow cause again we're not increasing the flow downstream after development than what's flowing off the site today, the water will build up within the pond and when the storm stops, the water will again drain out slowly. Again, this pond has been designed to meet state standards where there's not going to be any increase in storm water flow after development than prior to development. We also have and I'd like to introduce Mario from A.J. Coppola who has the architecture for the building and while he's presenting that I just want to bring up one point. In the design of the pond and in the design of the landscaping in the rear of the building we believe we were sensitive to the residential properties that are along Lannis Avenue and what we have done is that we have heavily landscaped this side of the pond to create a visual buffer so the residents even though they're quite remote from the pond will not be looking at the pond, they'll just be looking at the landscaping. And furthermore, as we move our way to the, I guess it's to the west, there's another buffer area which is between the pond and the parking spaces which again we have heavily buffered that so again so the residences won't be looking at any cars that may be parked in those 10 parking spaces or any vehicles that may be in the rear of the building. And then the final thing we have done with respect to the residences on Lannis Avenue we have prepared an architectural plan to show this board what it's going to look like just to ensure the board that it is not going to be a gray concrete block wall, that

it will have some architectural finish to it cause the residents will be looking at the back of the building the few that are there.

MR. ARGENIO: Show us the--

MR. SHAW: That's your job, Mario.

MR. ARGENIO: Show us the back.

MR. SALPEPPI: Here you have the rear of the building, the length of the building is 130 by 60 feet deep to make 7,800 square feet. We're doing brick face on the front and two sides full height all the way to the soffit, the soffit is 12 feet high, we have lowered that a foot from the previous building, the large building which we had previously. The rear elevation will be vinyl siding. At this point, we have assumed only four tenant spaces in the building, that's subject to change, that's not a fixed number.

MR. ARGENIO: Is all that access in the front or some of that tenant access in the back?

MR. SALPEPPI: Well, there are rear doors, the current size at four units requires rear exit, an emergency exit for retail.

MR. ARGENIO: I asked you how to turn the light on, you're telling me how to build a power plant. Yes or no, is there tenant access in the back?

MR. SALPEPPI: Four doors in the front, four doors in the rear.

MR. ARGENIO: All I'm asking.

MR. SALPEPPI: It could be for deliveries or actually could be like a retail, depends on the tenants' setup.

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MR. VAN LEEUWEN: Where is all your, the air conditioning and all that equipment going and garbage, where is that going?

MR. SALPEPPI: Mr. Shaw has a dumpster enclosure at the back.

MR. SHAW: We have a masonry refuse enclosure in this area at the rear of the building again east of access with respect to picking up the refuse and leaving the site so we do have one and it's located in this particular area.

MR. ARGENIO: Where do the other units go?

MR. SHAW: They'll use that one.

MR. ARGENIO: The AC units?

MR. SHAW: We're not at point yet, they're not on the plan.

MR. ARGENIO: Where would you propose to put them?

MR. SHAW: I have to defer to Mario.

MR. SALPEPPI: At this point we'd have probably four condensers unless we determine that we're going to have more spaces but we'd have four condensers between the rear wall of the building and the curb.

MR. ARGENIO: Seems to me they should go on the south side of the buildings.

MR. SALPEPPI: At the far end?

MR. ARGENIO: We're trying to look at for noise pollution for the folks on Lannis Avenue, I think that's where you're going.

MR. VAN LEEUWEN: That's where I'm going.

MR. SALPEPPI: Two of them, okay, two of them could easily go there but the other two would probably be too far from this air handlers so we could accommodate two on one end.

MR. ARGENIO: Neil or Howard, do you have any, we're going to open it up to the public?

MR. SCHLESINGER: Yes, is there anything there a structure on this property?

MR. SHAW: In this particular area you have a house with a barn, this is immediately adjacent to Flag Guys.

MR. SCHLESINGER: If I was walking into Flag Guys it's to the right?

MR. BABCOCK: Yes.

MR. SHAW: If I'm walking it's to the right.

MR. SCHLESINGER: I'm trying to pictures what's there now.

MR. SHAW: There's an existing plan in your drawing that shows what's on the site and I believe it's a drive that comes into the property, a house and the barn.

MR. VAN LEEUWEN: Is that where the beauty salon is now?

MR. SHAW: No, it's just a residence.

MR. ARGENIO: Howard or Dan, do you have any issues?

MR. SCHLESINGER: Just thinking of everything, you know, being situated where it is. What's your source

of heat?

MR. SALPEPPI: There would be indoor furnaces.

MR. SCHLESINGER: Just trying to think of anything that would disturb the area.

MR. SALPEPPI: The condensers.

MR. SCHLESINGER: We don't want a dumpster truck coming at 3 o'clock in the morning going beep, beep, beep, that type of thing.

MR. BROWN: That depends on what type of tenants you're planning on renting to.

MR. ARGENIO: Are you going to put your deli there?

MR. RIZZI: Possibly if I can take it.

MR. VAN LEEUWEN: What I'm concerned about is people on Lannis Avenue and we've had them in here before and I have been on this board for a few years, the noise level, how about putting condensers on each side of the building instead of anywhere in the back?

MR. SALPEPPI: Possible, yes, I mean, yes, we could, I mean, the distance is so far away.

MR. VAN LEEUWEN: Might be a little more piping but I'll tell you one thing, it would reduce the noise for the Lannis Avenue and otherwise we're going to get a crowd from Lannis Avenue, it's unbelievable because we've seen that before.

MR. SHAW: Hank, just for your source of reference from the rear of the building to the middle of the site to the property line is 330 feet so you have a good distance.

MR. ARGENIO: Greg, I agree, it's quite far but this whole corridor and the commercial development on this corridor it's always an issue, we just want to make sure we hit it and we're considerable of the issues. Danny, did you have any thoughts?

MR. GALLAGHER: I do and the southern line, the shed is that the Flag Guys' shed?

MR. SHAW: Yes, that's their shed.

MR. ARGENIO: Mike, can I ask one question relative or Mark relative to the coverage issues? When we talk about building coverage, how does that apply in a situation like this where we have a lot that straddles two zones?

MR. EDSALL: It's one number, just one number.

MR. ARGENIO: Give me the public hearing notice here. If anybody has any other questions, just jump right in. Okay, on the 31st day of July, 7 addressed envelopes went out containing notice of public hearing for this application. At this point in time I'd like to open the public hearing for the Vito Rizzi site plan. If anybody has the desire to comment for or against or has a question on this site plan, please raise your hand and be recognized by the chairman and you'll be afforded the opportunity to speak. Yes, sir in the front row, please give your name and address for the benefit of Franny before you speak and please stand.

MR. RIZZI: I'm Vito Anthony Rizzi, the owner of the property. I'm familiar with these kind of air conditioning units being that I have been in that, I'm in business already and having 300 feet as a buffer plus the trees and everything plus probably another hundred feet to the one or two houses that are nearby no way they're going to be able to hear the noise, I think it's something that's kind of being over-thought

about.

MR. ARGENIO: Thank you.

MR. VAN LEEUWEN: Can I ask what kind of trees these are?

MR. SHAW: Existing wooded area?

MR. VAN LEEUWEN: Yes, no, not the existing wooded area, the new trees you're putting in.

MR. SHAW: I have to take a look and there's quite a few.

MR. ARGENIO: There's also an existing wood line here too.

MR. VAN LEEUWEN: Yes, I know the property.

MR. SHAW: These are PAs and PAs over here, these are pines.

MR. ARGENIO: Norway spruce, 23 of them 6 to 7 feet tall, Henry.

MR. SHAW: And that's to buffer between the pond and parking area.

MR. ARGENIO: That's quite substantial.

MR. VAN LEEUWEN: I agree.

MR. ARGENIO: Anybody else want to make comment? Yes, ma'am?

MS. CAVALLO: My name is Kara Cavallo, I live behind this and my rear, the rear of my lot is adjacent to the rear of this lot and I do have several comments. First of all the 330 feet is from the rear of the building to

the lot line, is that right?

MR. SHAW: Yes.

MS. CAVALLO: How close is the retention pond, the rear of the retention pond to the lot line?

MR. SHAW: From the top of the pond to the property line through let's say the center of the property is about 150 feet.

MS. CAVALLO: So that's a lot, it's a lot closer than--

MR. ARGENIO: What's your last name?

MS. CAVALLO: Cavallo, we bought from Hughes.

MR. ARGENIO: So you're there, good.

MS. CAVALLO: Yes, we're there. Okay, so most of this lot is actually zoned residential, I think it's like 2/3 of this is actually zoned residential?

MR. ARGENIO: A portion of it is.

MS. CAVALLO: So what they're putting in the residential portion is refuse, loading and parking and I think, you know, we, I don't know, you know, I don't know if that's a permitted use in a residential zone or maybe that's why we're here but to me, you know, you have to take into consideration, I have two year old twins, there's a lot of little kids on the street. We have a lot of concerns about safety. I haven't heard anything about is that retention pond fenced, is the parking fenced?

MR. SHAW: Yes.

MR. ARGENIO: Excuse me one second, ma'am, what type of fence, Greg?

MR. SHAW: It's a three foot six inch high wood split rail fence.

MR. ARGENIO: With fabric on it, with black chain link fabric.

MS. CAVALLO: Three foot high around a retention pond I would think that you need something taller than that to protect, you know, wandering children over from a retention pond and there are lot of kids on the street, young kids who are going to grow up there. So obviously for me having the refuse in the back is a real problem. The parking in the back I thought I heard you're only required 52 spaces yet you have 58, seems like you can cut down some of the parking especially in the rear.

MR. ARGENIO: Excuse me, elaborate on that, Greg, parking.

MR. SHAW: Yeah, we're obligated under the ordinance to provide 52 spaces, we're providing 58.

MR. ARGENIO: So there's 6 over what they are required.

MS. CAVALLO: Taper it down especially in the back.

MR. ARGENIO: Let me just share a thought with you on parking and I have been sitting here a long time and a lot of these other guys have been sitting here for quite some time as well and what we find the use that Mr. Rizzi can apply to this space is diverse, okay, we have a code that guides what he can put in there. But the different uses have different from a practical point of view different parking demands and we have always found that to a degree you're always better off having a few extra stalls than not enough, that doesn't mean if they're required to have 60 and they propose 300 we're going to okay that, that would be

problematic, but there's always, you're always better off having a few extra stalls than not enough.

MS. CAVALLLO: My concern was really having the space in the rear for parking, I don't know how many parking spaces are there but it seems to me if that space is superfluous for parking maybe they could just use it for loading or I don't know, I'm just saying for me living behind there, the refuse and the loading in the back is a problem. Is that parking, is that back area is that also fenced?

MR. SHAW: No, it's not.

MS. CAVALLLO: So, you know, so now you're, what you're taking what's currently there's currently one small house on that lot next door is the Flag Guys which is also a small business, next door to that is Marguerita's Hair Salon about the size of a house, a small business, so you're adding quite a lot, you're really changing the character of what's currently there. I know he can do that on his commercial property but you're going into the residential zone and changing what's there as well.

MR. ARGENIO: Let me share a thought with you, I don't know if it's going to answer your question. What he's proposed here is congruent with the law, that means it is a lawful proposal and I take my hat off and I think we as a board take our hat off to the zoning board for disallowing the huge, large, I'm not going to use the term monstrosity but I'll say monstrosity, the board, the huge massive building that was proposed prior to this much smaller and more modest building, so I think the zoning board did their job and government worked well in this fashion. We have wrestled as a board with every one of those lots from the corner of Forge Hill Road all the way down to Willow Lane with the exact same issues, the exact same issues you're sharing with us. So we as a board have tried to do our best to not

restrict the rights of the applicant, Mr. Rizzi, cause he truly does have the right to develop his property in accordance with the zoning laws but we want to be sensitive to you folks as well.

MS. CAVALLO: And I appreciate that, I understand that we're here, that the objectives of this board is to consider the public, health, safety and welfare and the comfort and convenience of the public in general the residents who are adjacent, the landscaping screening and that's what we're talking about here today so I would submit that that should probably also be fenced in considering the safety of the children in the neighborhood.

MR. ARGENIO: What's that?

MS. CAVALLO: That back loading and refuse area.

MR. ARGENIO: Okay.

MS. CAVALLO: Maybe that should also be fenced and I like what I'm hearing about all the trees and landscaping and that type of thing.

MR. ARGENIO: I'm looking at the landscaping here from where I'm sitting and I'll tell you that it's quite substantial, it's quite substantial spruces that he's planting are 6 to 7 feet tall and that's quite a tree.

MS. CAVALLO: As far as the trees, one of my neighbors who couldn't be here tonight asked me to mention that she would suggest more of a variety of species of trees in that if there's a problem with the spruce then there would be some other variety to maintain a buffer. And then I guess if the retention pond is fenced, I think more substantial fence would be appropriate to protect the neighborhood, I think that a fence around the parking structure would certainly be helpful to protect the neighborhood from the large loading vehicles and

the refuse and I guess those are all my comments.

MR. ARGENIO: Thank you, ma'am, thank you very much, your comments were very pertinent and well presented. Anybody else?

MR. BRAUN: You already answered my question.

MR. ARGENIO: Perfect because what I was going to say is on a different subject and you know my routine. Anybody else?

MR. BEDETTI: Frank Bedetti. Not being able to see the drawing there.

MR. ARGENIO: Step up if you want.

MR. BEDETTI: I either I misheard what Mr. Shaw represented, I was trying to pay attention but did you say that the building was a hundred percent in the residential?

MR. EDSALL: He did have it reversed, it's a hundred percent in the commercial.

MR. ARGENIO: I want to hear the question.

MR. BEDETTI: Was the building a hundred percent in the residential or commercial?

MR. SHAW: No, commercial.

MR. BEDETTI: I thought I heard you say residential.

MR. SHAW: I very may well have.

MR. BEDETTI: Cause he scared me.

MR. EDSALL: You had it right.

MR. ARGENIO: Is there anybody else that would like to speak on this?

MS. CAVALLO: I'm sorry just we haven't heard anything about lighting.

MR. ARGENIO: There's site lighting on the plan if you'd like to come up and look you're certainly welcome to.

MS. CAVALLO: Thank you.

MR. ARGENIO: Anybody else? I'll accept a motion we close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we close the public hearing on the Vito Rizzi site plan.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Okay, I want to speak just for a minute if you guys would allow me and then if you guys, Greg, the fence has got to be 4 foot tall.

MR. SHAW: That's fine.

MR. ARGENIO: End of discussion.

MR. SHAW: No discussion.

MR. ARGENIO: In the front the light pole that's in the middle of the parking lot should be in the island in my opinion, wouldn't you guys agree with that?

MR. VAN LEEUWEN: Yes.

MR. SHAW: That can be taken care of very easily.

MR. ARGENIO: It's a simple relocation.

MR. SHAW: Absolutely.

MR. VAN LEEUWEN: Your man made a mistake.

MR. SHAW: Those were the comments Mark came up with, we haven't revised the plan, we thought it might be more appropriate to get through the public hearing.

MR. ARGENIO: This is a good use on this lot, it's not a huge building, the aesthetics are in keeping with the neighborhood, I shouldn't say keeping they are improving the neighborhood because based on the elevation--do you have a business sign? I don't see one.

MR. SHAW: Not at this time.

MR. VAN LEEUWEN: Just keep in mind the residents of Lannis Avenue, okay?

MR. SHAW: Oh, we have from day one, the feedback that my client got from the Zoning Board of Appeals when there was a public hearing was loud and clear.

MR. ARGENIO: Glad I wasn't there.

MR. SHAW: I wasn't there either but I can say that we have taken their comments into consideration and therefore that's the results of the heavy landscaping, the architectural treatment and the buffering of the

pond and then of the parking areas.

MR. ARGENIO: It's substantial.

MR. SHAW: We tried to do the best we could, even though they are quite a distance away we put forth the effort.

MR. ARGENIO: Do you guys have anything else here? I mean, it's a pretty--

MR. VAN LEEUWEN: That's all I have to say.

MR. ARGENIO: If anybody sees fit, I'll accept a motion that the Town of New Windsor Planning Board declare themselves lead agency under SEQRA.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the the Town of New Windsor Planning Board declare itself lead agency under the SEQRA process.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Orange County Department of Planning referred back to us and they said local determination. We have fire approval on 2/20 of '08, we have, do we have highway on this?

MR. SHAW: No, it's a state highway.

MR. ARGENIO: You're right, thank you. If anybody sees fit, motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec under the SEQRA process for the Vito Rizzi site plan. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Talk to me, someone, I mean, tell me about it, anybody got anything else? Wait a second, I want to close one issue and I put this to the board members, what about these AC units?

MR. SCHLESINGER: AC units?

MR. VAN LEEUWEN: I thought we cleared that.

MR. SCHLESINGER: They have three options, go on the roof, leave it where they are, two on one side, two on the other side, 300 feet is a lot, that's lot, I mean, unless you got something the matter with an air conditioning unit and you're not going to hear it, I mean, I think that bringing it up is important and we're addressing it but if it's on the side of the building or in the back it's not going to make a difference, my opinion.

MR. BROWN: I agree the side preferably.

MR. GALLAGHER: Sides would be good.

MR. ARGENIO: If you can put them on the side it would be good, we're certainly sensitive to the issue. I think Neil is right that's quite a distance, especially because you have those pines there and I think that they're going to be a good noise buffer, so if you can do that that would be helpful. Now you can say something.

MR. RIZZI: It's just better, the air conditioning will work much more efficiently and in this day and age with the price of everything going sky high trying to keep things efficient is something to look at, we don't want to drive a Cadillac when we can drive a Volkswagon.

MR. ARGENIO: Seems as though if Mrs. Cavallo comes to you at some point in time with an issue however inane you think it may be as a businessman do yourself a favor, address it with her in an equitable fashion because it has to come back here and not gonna be good. Okay?

MR. RIZZI: We're trying the best we can.

MR. ARGENIO: I'm asking you to please try to make every effort you can to address it and be a good neighbor, that's what I'm asking.

MR. RIZZI: I will do that, be a good neighbor.

MR. ARGENIO: Thank you very much. We certainly love having you in New Windsor, your deli was great for many years and it would be good to see it back. Anybody got any other thoughts?

MR. VAN LEEUWEN: Make a motion to approve with the two, the four air conditioners on the side of the building.

MR. BABCOCK: Two on each end?

MR. SHAW: That's what I thought he said.

MR. ARGENIO: What do I do with that?

MR. SCHLESINGER: Four foot fence.

MR. ARGENIO: That's done. You're difficult, you're very difficult, you're very difficult.

MR. VAN LEEUWEN: We made an agreement and I just want to stick to it, that's all, no big deal.

MR. SCHLESINGER: You made the agreement.

MR. VAN LEEUWEN: There's no second to my motion, died for lack of a second.

MR. ARGENIO: You're going to need to do that.

MR. SHAW: The two on the side, that's fine.

MR. SCHLESINGER: How big is the building?

MR. SALPEPPI: It's 130 feet long by 60 feet.

MR. SCHLESINGER: So the side to the farthest point maximum 40 feet, not that big of a deal. Second the motion.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval to the Vito Rizzi site plan subject to the four foot fence be installed congruent with the materials that Mr. Shaw had described and that the air conditioning units go on the north and south end of the building. Is there any other subject-tos, guys, anything am I missing? Roll call.

MR. GALLAGHER: Light pole.

MR. ARGENIO: Subject to the light poles.

MR. SHAW: Mark has a few comments, subject to Mark's comments we'll cover them all.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

VITO_RIZZI_(05-06)

MR. ARGENIO: Vito Rizzi. Mr. Shaw I see is here in the audience. This application proposes construction of 7,800 square foot office retail building on the three acre site. The plan was previously reviewed at the 23 March, 2005 planning board meeting, at which time the applicant was referred to the zoning board. Mr. Shaw is here to represent this. How are you tonight?

MR. SHAW: Recovering from a cold like everybody else is, I think.

MR. ARGENIO: Can you tell us about this application, Greg, please?

MR. SHAW: Yes, we referred just for a little built of history we referred to our initial trip before this board for a referral to the ZBA. At this time the buildings and the parking area encroached into the R-4 zone. As you will notice this parcel is similar to a lot of the parcels on Windsor Highway that the first 200 feet is commercial, the balance is residential.

MR. ARGENIO: We've seen it many times.

MR. SHAW: We encroached at that point in time into the residential zoning. We were referred to the Zoning Board of Appeals. An application was made for that use variance and that application was denied. So it was back to the drawing board and what we basically did was pull everything into the--

MR. ARGENIO: Wait a second, say that again please.

MR. SHAW: We were denied the variance.

MR. ARGENIO: And it was based on what size building?

MR. BABCOCK: Fifteen thousand.

MR. SHAW: Thank you.

MR. ARGENIO: That's the basis of the denial the building was too big?

MR. SHAW: No, the basis of the denial was that we needed a use variance to take a commercial use and bring it into a residential zone.

MR. ARGENIO: Got it.

MR. SHAW: So we went back and we basically knocked down the size of the building in half to 7,800 square feet. You'll notice that all the parking is in front of the building again in the commercial zone. What we have extended into the residential zone is just a maneuvering aisle for tractor trailers should it be warranted in the back and some extra parking spaces. According to the zoning ordinance we're obligated to provide a total of 52 parking spaces and this plan is providing 58 spaces.

MR. ARGENIO: Greg, I'd like you to please for the benefit of Mr. Scheible exactly where this is, who's to the south and who's to the north?

MR. SHAW: Flag Boys are right here.

MR. ARGENIO: Just south of Flag Boys?

MR. SHAW: Just south of Flag Boys. In fact, their flags are just right on the property line.

MR. BABCOCK: Just north of the new beauty shop, it's the only single family brick type house left.

MR. SCHEIBLE: Thank you, Greg.

MR. SHAW: No problem. So again because we're disturbing over one acre we have to comply with the DEC storm water regulations and with that we have put a water quality storm water detention pond in the rear which will collect our storm water and detain it from 1 to 100 years and right now we're proposing either an office or a retail use, seeing that they're both similar in the zoning ordinance. We realize full well that we butt up against a residential zone and while I was not at the Zoning Board of Appeals meeting, from what I understand the people at the rear of the property are concerned about any development along Windsor Highway. So with that what we have tried to do is to mitigate whatever visual impacts there may be. We went in my opinion overboard with respect to landscaping to one buffer the pond so it's not as visual. Again, you have vegetative growth between the rear of their homes and where the woods open up and then after that we went very heavily with plantings to buffer visually parking spaces in the rear of the building. I'm sure this board is going to want to have a public hearing on it and at that time we'll bring in an architectural rendering of not only the front of the building but also of the rear. So again we're going to treat the rear similar to the front, it's not going to be a blank concrete block wall painted gray, it's going to be something that is a little bit more aesthetic, again because it's facing a residential use.

MR. ARGENIO: Can I interrupt you? The 12 foot wide shale drive in the rear of the facility that goes to the pond, what's the purpose of that?

MR. SHAW: Just to get access to the pond, just to get a vehicle in case you have to clean out the--

MR. ARGENIO: Somebody used forethought. Mike, is there any law, rule or otherwise, this question is to Mike or Mark, governing the location of the building as it relates to the zone line?

MR. BABCOCK: No, it's only to property lines.

MR. ARGENIO: Can the building cross the zone line?

MR. BABCOCK: Well, there's a section that talks about 30 percent of the lot that is divided by a zone line can be used for the more restrictive area. We have done that many times in the past. This planning board had suggested to the applicant that they put the entire building in the R-4 zone and parking in the front which the zoning board didn't care for with the public hearing so they have now moved it completely in the back. The only thing they have beyond that line is some parking which is approveable by this board.

MR. ARGENIO: Okay, that answers that. Go ahead, Greg.

MR. SHAW: That pretty much summarizes it, Mr. Chairman. What we're looking for tonight is a referral to the Orange County Department of Planning cause we're on a state highway actually with regard to SEQRA and I'm sure this board is going to want to have a public hearing on it. I would just ask that you leave it in the secretary's hands to schedule that public hearing once we hear back from the county and we're in a position to do so.

MR. ARGENIO: Greg, do you have Mark's comments?

MR. SHAW: Yes, I just received them.

MR. ARGENIO: What's going on with the culvert that heads to the looks like it intersects something under your driveway?

MR. SHAW: You have a 30 inch culvert which takes storm water.

MR. ARGENIO: That's a lot of water.

MR. SHAW: It's an existing 30 inch which takes water from the west side of Windsor Highway and dumps it into a drainage ditch on the easterly side. It is roughly in this fashion pretty much down the center of our new drive. What we're proposing to do is to pick that up in a new pipe of 30 inches also and strictly just pipe it to the rear of the property, that's where it's flowing now, it's flowing to a drainage ditch from the boundary of our property in the easterly direction of the drainage ditch. Because we want to build on it we're just going to put it in a pipe and pipe it to the rear, it will not be going into our detention pond, it has nothing to do with the development of the site.

MR. SCHEIBLE: Is that just going to flow in there?

MR. SHAW: Yes, it's going in the direction, just going to let it continue.

MR. ARGENIO: Mark, you were going to say something?

MR. EDSALL: No, I was going to touch on the procedural items that Greg pointed out but you're on a much more important point right now.

MR. ARGENIO: Focus on the drainage business, the volume of water that comes down 32 in front of the Carpet Mill Outlet and such is substantial now, it currently comes across 32, comes out a head wall then meanders through the lawn area, correct?

MR. SHAW: There's a drainage channel which is, goes right through here and dumps.

MR. ARGENIO: Grass or--

MR. SHAW: It's washed out rubble.

MR. ARGENIO: Washed out rubble has a chance to slow

down maybe somewhat perc into the ground or I'm sure the slope is not very steep, in fact, the contours indicate that it is not very steep. You're taking this water, you're picking it up and you're piping it to the back of the property. It's going to hit a velocity dissipator, it's going to slow down and go to the same place it was going before.

MR. SHAW: Into the same channel.

MR. ARGENIO: Okay, all right, so you have some, the DOT's got to see I guess you're going to have to do a dance with them?

MR. SHAW: Yes, we're ultimately going to need both a utility work permit and non-utility work permit.

MR. ARGENIO: I'm going to read a couple of Mark's comments here. Lead agency coordination letter has recently been issued, we're still awaiting responses. Oh, it says here it's been referred to DOT, I'm sorry, I didn't even read that. The county has it, they're reviewing it.

MR. EDSALL: It just went, Mr. Chairman, given the fact that this is a 2005 application when it was let's say reactivated when it came back to us I saw its date, I went forward given the timing and felt that it was appropriate that it be referred in its newest form to the County Planning Department, the DOT and as well issued a lead agency coordination letter. I didn't have a record that one went out before, even if it did I wanted it to go out in the form of the new application.

MR. BABCOCK: New plan.

MR. EDSALL: New plan, I'm sorry.

MR. ARGENIO: How big was the original building you

proposed?

MR. BABCOCK: It's 15,000 square feet probably.

MR. EDSALL: Well, 14,510 was on the last review I had done.

MR. ARGENIO: This would be less.

MR. SHAW: About one half, a little more than one half.

MR. ARGENIO: Curbed parking lot, 6 foot sidewalk which is good and say you're going to give us some architectural?

MR. SHAW: For the public hearing that would be ready.

MR. ARGENIO: I think that would be a good idea in that corridor.

MR. SHAW: As I said, even the rear of the building I think the residents want to see what they're looking at in the wintertime when the foliage comes off the trees.

MR. ARGENIO: I think I'm going to ask my associates but I think you're probably right about the public hearing. Neil, do you have any thoughts on that?

MR. SCHLESINGER: Need a public hearing.

MR. GALLAGHER: Yes.

MR. SCHEIBLE: Definitely.

MR. ARGENIO: I think so too, Mark. Can we schedule that at this point in time? Looks like the plans are in pretty good shape.

MR. EDSALL: Plans are in very good shape. My comments are minor issues they can look at and make a decision.

MR. ARGENIO: I'll have a motion that we schedule that.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board authorize the scheduling of the public hearing of the Vito Rizzi site plan on Route 32. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Guys, take a look at the landscaping plan as well in the rear, we don't have to go crazy with it now, we're going to see this again. Greg, the fence around the pond is indicated in the symbol as a chain link fence but I see a detail for a split rail fence. Is it split or chain link?

MR. SHAW: Called out both in the detail as a three foot six inch high wood split rail fence.

MR. ARGENIO: Thank you very much, Mr. Shaw.

MR. SCHEIBLE: What's that street behind there?

MR. BABCOCK: Lanis Avenue.

MR. SCHEIBLE: That's off Willow?

MR. BABCOCK: That's correct.

MR. SHAW: I know we have an obligation to mitigate the

impact from the neighbors to the neighbors but I mean this is one inch equals 30 scale, you can see the distance from the residences to the rear of the buildings and just by looking at it it's maybe 15 inches, maybe 500 feet away.

MR. ARGENTIO: Greg, I have to tell you in typical Greg Shaw form the plan you have done a fine job with it and I mean that and you know I mean that. The one thing that I am a little twisted about and I'd like to think about it a little bit is picking up that volume of water that I know a 30 inch pipe can carry and that 30 inch pipe under 32 has been in there so long it's probably undersized by now with Washington Green upstream and everything else that's gone on upstream, picking up that water and dumping it in the back of the site that may be problematic.

MR. SHAW: But that's where it's going today.

MR. ARGENTIO: Greg, I understand that. My only point is exactly what I was asking about before is that it's flowing through a drainage channel which currently which gives it a chance to slow down, small portion of it probably percs into the ground, wanders to the left or wanders to the right, I want to look at it, that's all I'm saying.

MR. SHAW: You can check the width with your engineer, that during times of heavy flow, okay, the water that goes through that 30 inch pipe has a certain velocity to it, whether it's a channel or whether it's pipe and if you were to run out the numbers it's not as if you have a great big detention area where the water presently spills and you're creating a flood plain and that kind of stores it and slows it down, it's going to have the same velocity or very close to it whether it's flowing to an open channel or flowing through a pipe. So by virtue of the fact of that we're piping it maybe the water will get there 30 seconds quicker but it's

going to have nothing to do with the impact of the flow. It isn't as if the flow spreads out and we're channelizing it, we're channelizing it already.

MR. EDSALL: Mr. Chairman, I can have our people look at it. The only issue and I think Greg has touched on it if it was spreading out and more or less discharging in a more or less a weir overflow and being attenuated because the whole property flooded then it would change the characteristics, if you concentrated it looks as if there's a drainage channel there already, we, I just want to make sure there's nothing else happening and we can look at that.

MR. ARGENIO: I just know that a lot of water Route 32 in a big rain floods in that area passed there when we're having a meltoff and heavy rain 32 is flooded.

MR. EDSALL: I'm aware of it only because, and the person I'm going to ask to take a look at it as well is our design engineer who worked on the Lanis Avenue drainage project because the town did undertake a drainage project back up into that area.

MR. ARGENIO: You're right about that.

MR. EDSALL: So I just need to make sure this that project accounted for the kind of flows we know occurred.

MR. ARGENIO: If any other members have anything else they want to bring up certainly chime in. Mark, what other procedural things can we go through here tonight?

MR. EDSALL: No, I did all the mailings and I would believe that since you have authorized the public hearing that's the next step and we'll hope that we get responses.

MR. SHAW: Thank you.

Shaw Engineering

CE: M.E.
05-06
Consulting Engineers

744 Broadway
P.O. Box 2569
Newburgh, New York 12550
(845) 561-3695

December 8, 2008

Chairman Genaro Argenio and
Members of the Planning Board
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, New York 12553

Re: New Office/Retail Office Building For Vito A. Rizzi
287 Windsor Highway

Gentlemen:

This correspondence is in response to the SWPPP Technical Review Comments of John Swarowski, P.E. of McGoey, Hauser & Edsall dated July 31, 2008. The following is our response:

1. We have not relocated the emergency spillway from the filled berm as suggested, as the top of the entire berm is constructed from fill material. Also, to relocate the emergency overflow from its present location would substantially lengthen the spillway which must discharge into the existing drainage course.
2. The reference to storm events of ½ inches or greater has been deleted from the Construction Sequence on the SWPPP Drawings and from the SWPPP Report.
3. A note has been added to the SWPPP Drawings clarifying that additional silt fence will be required after the regrading of the site, and that the silt fence must be parallel with the revised contours.
4. The Notice of Intent has been completed to the extent possible.

We are closing the following revised documents for incorporation into the SWPPP Drawings and the SWPPP Report that was initially submitted to you on June 30, 2008:

- a copy of the revised SWPPP Drawings that are dated June 25, 2008 and having a latest revision date of December 8, 2008
- a revised Title Sheet and Engineer Certification Sheet

Chairman Genaro Argenio and (Cont'd)
Members of the Planning Board

-2-

December 8, 2008

- revised Sheets 5, 9, 11, and 14 of the SWPPP Report
- a completed Notice Of Intent

We trust the revisions are satisfactory to your Board and its Engineer.

Very truly yours,

SHAW ENGINEERING



Gregory J. Shaw, P.E.
Principal

GJS:mmv
Enclosure

cc: Mark Edsall, P.E., Planning Board Engineer, w/Enclosure
Anthony Rizzi

744 Broadway
P.O.Box 2569
Newburgh, New York 12550
(845) 561-3695

December 8, 2008

Chairman Genaro Argenio and
Members of the Planning Board
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, New York 12553

Re: New Office/Retail Office Building For Vito A. Rizzi
287 Windsor Highway

Gentlemen:

Enclosed please find the following documents for the above referenced project which are being submitted to your Board for its Approval Stamp and Signature:

- 8 copies of the drawings entitled "New Office/Retail Office Building For Vito A. Rizzi" that contains an issue date of January 28, 2008 and a latest revision date of December 8, 2008

The following is our response to the Review Comments of Mark Edsall, P.E. of McGoey, Hauser & Edsall P.C.:

February 27, 2008 Memo

1. No response required.
2. The finish grade is almost flat adjacent to CB#4 at the northeast corner of the building. It is the existing grade that varies 4 feet.

A concrete curb island has been placed around the light pole in the middle of the parking lot.

There is not an existing, nor is there a proposed drainage easement to the NYSDOT. It is the DOT's preference to have it privately owned and a note stating same has been added to the Drawings.

Neither a freestanding sign nor facade sign is proposed at this time.

A line has been added to the southerly handicap parking space.

3. No response required.
4. The NYSDOT responded to the Planning Board Engineer on April 28, 2008.
5. The Orange County Dept of Planning responded to the Planning Board on March 19, 2008
6. No Response required.

August 13, 2008 Memo


1. No response required.
2. Refer to Response to February 27, 2008 Memo above.
3. No response required.
4. No response required.
5. No response required.

Regarding the Planning Board Comments, the fence around the Water Quality/Detention Pond has been increased to 4 feet in height, and a Note has been added to the Drawings requiring the air conditioning equipment to be installed on the north and/or south sides of the building.

We trust the revisions are satisfactory to your Board and its Engineer.

Very truly yours,

SHAW ENGINEERING



Gregory J. Shaw, P.E.
Principal

GJS:mmv
Enclosure

cc: Anthony Rizzi

744 Broadway
P.O.Box 2569
Newburgh, New York 12550
(845) 561-3695

December 8, 2008

Chairman Genaro Argenio and
Members of the Planning Board
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555 Union Avenue
New Windsor, New York 12553

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Very truly yours,

SHAW ENGINEERING



Gregory J. Shaw, P.E.
Principal

GJS:mmv
Enclosure

cc: Anthony Rizzi

Shaw Engineering

Consulting Engineers

744 Broadway
P.O.Box 2569
Newburgh, New York 12550
(845) 561-3695

December 8, 2008

Chairman Genaro Argenio and
Members of the Planning Board
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, New York 12553

Re: New Office / Retail Building for Vito A. Rizzi
287 Windsor Highway

Gentlemen:

We have presented below for your consideration our Construction Estimate for the site improvements for the New Office / Retail Building for Vito A. Rizzi. Our Estimate is as follows:

CONSTRUCTION ESTIMATE

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
Erosion Control	2.19 Ac	\$ 2,000	\$ 4,380
Catch Basin	14 Ea.	\$ 2,700	\$ 37,800
15" Storm Water Pipe	679 L.F.	\$ 30	\$ 20,370
18" Storm Water Pipe	63 L.F.	\$ 40	\$ 2,520
30" Storm Water Pipe	345 L.F.	\$ 58	\$ 20,010
Paving & Base	4,017 S.Y.	\$ 20	\$ 80,340
Parking Space Striping	918 L.F.	\$ 0.50	\$ 459
Handicapped Sign & Striping	2 Ea.	\$ 225	\$ 450
Concrete Curbing	1,594 L.F.	\$ 18	\$ 28,692
6' Wide Concrete Sidewalk	150 S.Y.	\$ 40	\$ 6,000
Masonry Refuse Enclosure	1 Ea.	\$ 5,000	\$ 5,000


<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
6" Water Main	262 L.F.	\$ 42	\$ 11,004
Hydrants	1 Ea.	\$ 2,700	\$ 2,700
 Split Rail Fence	 380 L.F.	 \$ 16	 \$ 6,080
Pole With Single Luminaire	4 Ea.	\$ 1,500	\$ 6,000
Pole With Double Luminaire	2 Ea.	\$ 1,900	\$ 3,800
 Landscaping Trees	 52	 \$ 250	 \$ 13,000
Landscaping Shrubs	180	\$ 36	\$ 6,480
Total			\$ 255,085

TOTAL CONSTRUCTION ESTIMATE:**\$ 255,085**

Should this Estimate be acceptable, my client will pay the 2% inspection fee of \$ 5,102.00

Respectfully submitted,

SHAW ENGINEERING



Gregory J. Shaw, P.E.
Principal

GJS:mmv

Cc: Vito A. Rizzi



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

September 29, 2008

Mark Edsall
New Windsor Town Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: DOT, SEQRA
Rizzi Site Plan; Commercial Development
NY Route 32 (Windsor Highway)/NEW
WINDSOR, Orange County
08PR01182

Dear Mr. Edsall:

Thank you for requesting the comments of the Field Services Bureau of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Field Services Bureau and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director

P.B. #05-06 10/24/08
cc: M.E.
D.C.
G.S.
David A. Paterson
Governor
Carol Ash
Commissioner



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE

33 AIRPORT CENTER DRIVE

SUITE 202

NEW WINDSOR, NEW YORK 12553

(845) 567-3100

FAX: (845) 567-3232

E-MAIL: MHENY@MHEPC.COM

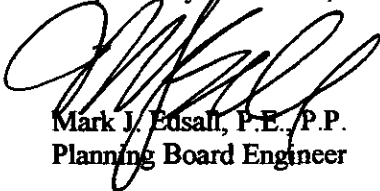
WRITER'S E-MAIL ADDRESS:

MJE@MHEPC.COM

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

- PROJECT NAME:** VITO RIZZI SITE PLAN
PROJECT LOCATION: WINDSOR HIGHWAY (NYS ROUTE 32) EAST SIDE
SECTION 35 - BLOCK 1 - LOT 52
PROJECT NUMBER: 05-06
DATE: 13 AUGUST 2008
DESCRIPTION: THE APPLICATION PROPOSES THE CONSTRUCTION OF A 7800 S.F.
OFFICE/RETAIL BUILDING ON THE 3 +/- ACRE SITE. THE PLAN WAS
PREVIOUSLY REVIEWED AT THE 23 MARCH 2005 AND
27 FEBRUARY 2008 PLANNING BOARD MEETINGS. *THE APPLICATION
IS BEFORE THE BOARD FOR A PUBLIC HEARING AT THIS MEETING.*
1. The application was previously referred to the ZBA and was modified to comply with the requirements of that Board.
 2. At the prior meeting I provided several comments regarding grading in specific areas, the location of the light pole in the middle of the parking area, and several other items. These items must all be addressed on the final plans submitted.
 3. A Lead Agency coordination letter was previously issued. The Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
 4. As per New York State General Municipal Law (GML 239), this plan was referred to the OCPD for review. The application was returned "Local Determination".
 5. Depending on the comments at the Public Hearing, the Planning Board may wish to make a determination regarding the type action this project should be classified under SEQRA, and make a determination regarding environmental significance.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW05-06-13Aug08.doc

REGIONAL OFFICES

- 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

-----X

VITO RIZZI P. B. #05-06

AFFIDAVIT OF SERVICE BY MAIL

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-3101

Assessors Office J. Todd Wiley, Assessor

July 16, 2008

Greg Shaw- Shaw Engineering (Vito Rizzi)
744 Broadway
Newburgh, NY 12550

Re: Tax Map Parcel 35-1-52 P.B.# 05-06 (07)

Dear Mr. Rizzi,

According to our records, the attached list of property owners are abutting and across the street of the above referenced property.

The charge for this service is \$25.00 minus your deposit of \$25.00.

You have no balance due.

Sincerely,

J. Todd Wiley

J. Todd Wiley, IAO
Sole Assessor

JTW/bw
Attachments

CC: Myra Mason, ZBA

35-1-54.12

Seymour & Terri Borden
Att: Carpet Mills Outlet
294 Windsor Hwy
New Windsor, NY 12553

35-1-112

Four Chai LLC
2 Lake Street
Monroe, NY 10950

35-1-51

Alfred & Pauline Cavalari
283 Windsor Hwy
New Windsor, NY 12553

42-1-9

Philip & Lori Schiffmar McCarthy
10 Lannis Ave
New Windsor, NY 12553

42-1-10

Fred V. Westfall
12 Lannis Ave
New Windsor, NY 12553

42-1-11

Anthony & Kara Cavallo
14 Lannis Ave
New Windsor, NY 12553

42-1-13

HZ Realty Inc.
293 Windsor Hwy
New Windsor, NY 12553

DATE: 07-15-08

PROJECT NUMBER: ZBA# _____ P.B. # 05-06

APPLICANT NAME: VITO RIZZI

PERSON TO NOTIFY TO PICK UP LIST:

GREG SHAW - SHAW ENGINEERING
744 BROADWAY
NEWBURGH, NY 12550

TELEPHONE: 561-3695

TAX MAP NUMBER: SEC. 35 BLOCK 1 LOT 52
 SEC. _____ BLOCK _____ LOT _____
 SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: WINDSOR HIGHWAY
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: XXX

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) XXX

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD _____

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT _____

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 12347

TOTAL CHARGES: _____

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/13/2008

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 5-6

NAME: VITO A. RIZZI OFFICE/RETAIL BUILDING PA2005-0110
APPLICANT: VITO A. RIZZI

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	02/14/2008	MUNICIPAL HIGHWAY	/ /	
REV1	02/14/2008	MUNICIPAL WATER	/ /	
REV1	02/14/2008	MUNICIPAL SEWER	/ /	
REV1	02/14/2008	MUNICIPAL FIRE	02/20/2008	APPROVED
REV1	02/14/2008	NYS DOT	/ /	
REV1	02/14/2008	E911 . ASSIGNED #287; TO BE PUT ON PLANS	02/26/2008	APPROVED
REV1	02/14/2008	O.C. PLANNING	/ /	
REV1	02/14/2008	O.C. HEALTH DEPT.	/ /	
ORIG	03/21/2005	MUNICIPAL HIGHWAY	02/14/2008	SUPERSEDED BY REV1
ORIG	03/21/2005	MUNICIPAL WATER	02/14/2008	SUPERSEDED BY REV1
ORIG	03/21/2005	MUNICIPAL SEWER	02/14/2008	SUPERSEDED BY REV1
ORIG	03/21/2005	MUNICIPAL FIRE	02/14/2008	SUPERSEDED BY REV1
ORIG	03/21/2005	NYS DOT	02/14/2008	SUPERSEDED BY REV1

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/13/2008

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE: STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 5-6

NAME: VITO A. RIZZI OFFICE/RETAIL BUILDING PA2005-0110
APPLICANT: VITO A. RIZZI

--DATE-- MEETING-PURPOSE-----ACTION-TAKEN-----

02/27/2008 P.B. APPEARANCE LA LTR; SCHED PH
. SEND GREGG EMAIL FOR #287 WINDSOR HWY TO BE THE NEW ADDRESS
. NEED D.O.T. EASEMENT; SENT LA LTR., O.C. PLANNING, D.O.T.
. LETTER ON 2/2908 SCHEDULE PH FOLLOWING 30 DAYS AFTER THE
. 29TH OF MARCH.*

03/16/2005 WORK SHOP APPEARANCE SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/13/2008

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 5-6

NAME: VITO A. RIZZI OFFICE/RETAIL BUILDING PA2005-0110
APPLICANT: VITO A. RIZZI

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	03/21/2005	EAF SUBMITTED	03/21/2005	WITH APPLIC
ORIG	03/21/2005	CIRCULATE TO INVOLVED AGENCIES	02/29/2008	SENT LTRS
ORIG	03/21/2005	LEAD AGENCY DECLARED	/ /	
ORIG	03/21/2005	DECLARATION (POS/NEG)	/ /	
ORIG	03/21/2005	SCHEDULE PUBLIC HEARING	02/27/2008	SCHED PH
		. SCHEDULE PH 30 DAYS AFTER MAILING OF LA LTR (2/29)		
ORIG	03/21/2005	PUBLIC HEARING HELD	/ /	
ORIG	03/21/2005	WAIVE PUBLIC HEARING	/ /	
ORIG	03/21/2005	PRELIMINARY APPROVAL	/ /	
ORIG	03/21/2005		/ /	
ORIG	03/21/2005	LEAD AGENCY LETTER SENT	/ /	



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

P.B. #05-06
cc: M.E. G. Shaw
D.C.

David A. Paterson
Governor

Carol Ash
Commissioner

March 24, 2008

Mark Edsall
New Windsor Town Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: DOT, SEQRA
Rizzi Site Plan; Commercial Development
NY Route 32 (Windsor Highway)
NEW WINDSOR, Orange County
08PR01182

Dear Mr. Edsall:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. Our staff has reviewed the documentation that you provided on your project. Preliminary comments and/or requests for additional information are noted on separate enclosures accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any enclosures have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each enclosure.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 requires that agency to initiate Section 106 consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director

Enclosure



COUNTY OF ORANGE

EDWARD A. DIANA
COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533
www.orangecountygov.com/planning

DAVID CHURCH, A.I.C.P.
COMMISSIONER

GENERAL MUNICIPAL LAW 239 L, M OR N REPORT

Local File #: 05-06
Referred by: Town of New Windsor
Applicant: Vito A. Rizzi
Proposed Action: Site Plan – 7800sq/f office/retail building, parking and storm water management area
Reason for Review: Within 500 Ft of NYS Route 32
Date of Full Statement: March 3, 2008

Reference/County ID No.: NWT06-08M

County Tax ID: S: 35 B: 1 L: 52

Comments: The Department has received the above site plan application and has found no evidence that intermunicipal or countywide impacts would result from its approval. We offer the following comments for your consideration:

1. The proposed site plan amendment appears to be consistent with the County Comprehensive Plan and local laws.
2. This department recommends exploring the possibility of connecting the proposed parking lot with the existing parking lot of the commercial use to the south. Connecting parking lots promotes ease of mobility for consumers and can reduce traffic on main arterials.
3. Having no further comments, from a County perspective, the department recommends that the Planning Board proceed with its review process

County Recommendation: Local Determination

Date: March 19, 2008


David Church, AICP
Commissioner of Planning

IMPORTANT NOTE: As per NYS General Municipal Law 239-m(6), within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.



REPORT OF FINAL LOCAL ACTION

To: Orange County Department of Planning
124 Main Street
Goshen, NY 10924

From:

Date:

Subject: GML 239 Referral ID#NWT06-08M
Name of project: Rizzi Site Plan

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

_____ Our local board **approved** this action on _____.

_____ Our local board **approved** this action **with modifications** on _____.
Briefly, the modifications consisted of:

_____ Our local board **disapproved** this action on _____.
Briefly, the reasons for disapproving this action were:

_____ The proposal was **withdrawn**.

Additional space for comments on actions:

Local File #: 05-06

Please refer to this number in any correspondence.

Project Name: Vito Rizzi Site PlanApplicant: Vito A. RizziAddress: 3 Ashley Way, Cornwall, NY 12518

Send Copy of Letter to Applicant: (check one)

Yes ☒ No ☐Attorney, Engineer, Architect: Gregory Shaw, P.E., Shaw Engineering, Newburgh, NYLocation of Site: 287 Windsor Highway (NYS ROUTE 32) (east side)

(Street, highway, nearest intersection)

Size of Parcel: 3.01 +/- Ac.Existing Lots: 1Proposed Lots/Units: 1Present Zoning District: Design Shopping (C)**TYPE OF REVIEW:**☒ Site Plan (SP): 7800 s.f. office and retail☐ Special Use Permit* (SUP) _____☐ Variance* USE (UV): _____

AREA (AV): _____

☐ Zoning District Change* From: _____ To: _____☐ Zoning Amendment To Section: _____☐ Subdivision: Major _____ Minor _____☐ Sketch☐ Preliminary☐ Final (Please indicate stage)☐ Other Comments: _____Date: 22 Feb 2008Mark J. Edsall, P.E., P.P.
SignatureMark J. Edsall, P.E., P.P.
Engineer for the Planning Board

* Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID# _____

GML 239 Referral Guide - 02/27/2007



COUNTY OF ORANGE

EDWARD A. DIANA
COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.
COMMISSIONER

P.B.#05-06
4/8/08 cc: M.E.
D.C.
G.Shaw

March 13, 2008

Mark Edsall, P.E., P.P.
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

Re: Request for lead agency status, Vito Rizzi Site Plan

Dear Mr. Edsall:

Our office is in receipt of a lead agency coordination request. We have no objections to the Town becoming Lead Agency on this project and we would also like the opportunity to review any additional SEQR information that is provided by the applicant of this project.

We look forward to reviewing the application when it is referred to us for our comments. The planner from our office that will be reviewing this project is Todd Cohen; questions, comments, or additional information should be directed to him.

Sincerely,

David E. Church, AICP
Planning Commissioner



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

22 February 2008

SUBJECT: VITO RIZZI SITE PLAN
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
(NWPB REF. NO. 05-06)

To all Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an application for Site Plan approval of the Vito Rizzi Site Plan project, located on Windsor Highway (NYS Route 32) within the Town. The project involves, in general, the construction of a 7800 s.f. office and retail building with related site plan improvements on a 3+/- Acre parcel. It is the opinion of the Town of New Windsor Planning Board that the action is an Unlisted Action under SEQRA. This letter is written as a request for Lead Agency Coordination as required under Part 617 of the Environmental Conservation Law.

A letter of response with regard to your interest in the position of Lead Agency, as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA review process, sent to the Planning Board at the above address, attention of Mark J. Edsall, P.E., Planning Board Engineer (contact person), would be most appreciated. Should no other involved agency desire the Lead Agency position; it is the desire of the Town of New Windsor Planning Board to assume such role. Should the Planning Board fail to receive a written response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position. Thank you for your attention to this matter. Should you have any questions regarding this notice, please feel free to contact the undersigned at the above number or (845) 563-4615.

Very truly yours,

Mark J. Edsall, P.E., P.P.

Mark J. Edsall, P.E., P.P.
Planning Board Engineer

New York State Parks, Recreation and Historic Preservation
NYS Department of Transportation, Poughkeepsie
George A. Green, Town of New Windsor Supervisor (w/o encl)
Town of New Windsor Town Clerk (w/o encl)
Orange County Department of Planning
Myra Mason, Planning Board Secretary
Planning Board Attorney (w/o encl)
Applicant (w/o encl)



5/13/08 P.B. 05-06
cc: M.E.
D.C.
G. Shaw

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION EIGHT
4 BURNETT BOULEVARD
POUGHKEEPSIE, NEW YORK 12603
www.nysdot.gov

JOAN DUPONT, P.E.
REGIONAL DIRECTOR

ASTRID C. GLYNN
COMMISSIONER

April 28, 2008

Mark Edsall P.E., P.P.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

**Re: NYSDOT SEQRA # 08-0034
Vito Rizzi Property
Route 32
New Windsor, Orange County**

Dear Mr. Edsall:


The Department SEQRA Unit has completed a cursory review of the proposed subject project plan and accepts the project. Also, the Department accepts the Town to be the Lead Agency for the project

For the Highway Work Permit review process, the applicant should be advised to send a detailed subject plan(s) for our review to:

Siby Zachariah-Carbone, Permit Engineer
112 Dickson Street
Newburgh, NY 12550
(845) 562-8368

Thank you for your trust and interest in highway safety.

Very truly yours,


Ursus A. Idosu
HWP / SEQRA Unit

cc: S. Zacariah-Carbone, Permit Engineer, Res. 8-4

ARCHEOLOGY COMMENTS
08PR01182

Based on reported resources, there is an archeological site in or adjacent to your project area. Therefore the Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that a Phase 1 archeological survey is warranted for all portions of the project to involve ground disturbance, unless substantial prior ground disturbance can be documented. If you consider the project area to be disturbed, documentation of the disturbance will need to be reviewed by OPRHP. Examples of disturbance include mining activities and multiple episodes of building construction and demolition.

A Phase 1 survey is designed to determine the presence or absence of archeological sites or other cultural resources in the project's area of potential effect. The OPRHP can provide standards for conducting cultural resource investigations upon request. Cultural resource surveys and survey reports that meet these standards will be accepted and approved by the OPRHP.

Our office does not conduct cultural resources surveys. A 36 CFR 61 qualified archeologist should be retained to conduct the Phase 1 survey. Many archeological consulting firms advertise their availability in the yellow pages. The services of qualified archeologists can also be obtained by contacting local, regional, or statewide professional archeological organizations. Phase 1 surveys can be expected to vary in cost per mile of right-of-way or by the number of acres impacted. We encourage you to contact a number of consulting firms and compare examples of each firm's work to obtain the best product.

Documentation of ground disturbance should include a description of the disturbance with confirming evidence. Confirmation can include current photographs and/or older photographs of the project area which illustrate the disturbance (approximately keyed to a project area map), past maps or site plans that accurately record previous disturbances, or current soil borings that verify past disruptions to the land. Agricultural activity is not considered to be substantial ground disturbance and many sites have been identified in previously cultivated land.

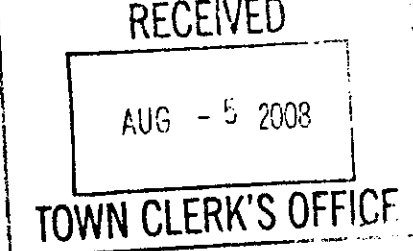
Please also be aware that a Section 233 permit from the New York State Education Department (SED) may be necessary before any archeological survey activities are conducted on State-owned land. If any portion of the project includes the lands of New York State you should contact the SED before initiating survey activities. The SED contact is Christina B. Rieth and she can be reached at (518) 402-5975. Section 233 permits are not required for projects on private lands.

If you have any questions concerning archeology, please contact Michael Schifferli at 518-237-8643, ext 3281



NEW WINDSOR, NEW YORK 12553
Telephone: (845) 565-8800
Fax: (845) 563-4693

GEORGE A. GREEN
SUPERVISOR



REQUEST FOR PUBLIC RECORDS

SUBMITTER CONTACT INFORMATION

First Name: Diane

Last Name: Newlander

Address:

4 Lannis Ave

New Windsor, New York 12553

Home Phone: (845) 565-9287

Work Phone:

Representing: self

REQUEST

Please specify:

Property location (street address or section, block and lot number)

Department you are requesting records from

Describe information requested as fully as possible

The Rizzi plan for the project on Rt. 32. I've already called the Planning Department and will be there this morning (Tuesday).

The Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Received: 08/05/2008 07:34:23 AM



PLANNING BOARD POSTAGE

PROJECT & P.B. #: 05-06

3 **ENVELOPES** @ 4.60 **EACH** = 13.80

PLEASE RETURN THIS PAPER TO MYRA - THANK YOU.



PLANNING BOARD POSTAGE

PROJECT & P.B. #: 05-06

1 ENVELOPES @ ^{1.99}~~1.48~~ EACH = ^{1.99}~~1.48~~

PLEASE RETURN THIS PAPER TO MYRA - THANK YOU.



February 27, 2008

P.B. # 05-06

NEGATIVE DEC:

M)____S)____VOTE: A____N____
CARRIED: Y____N____

M)___S)___ VOTE: A___N___
CARRIED: Y___N___

PUBLIC HEARING: **WAIVED:**_____ **CLOSED:**_____ **FINAL:**_____

M) Schles S) Scheib VOTE: A 4 N 0 SCHEDULE P.H.: Y ✓ N

SEND TO O.C. PLANNING: Y___ RETURN TO WORK SHOP: Y___ N___

SEND TO DEPT. OF TRANS: Y___ REFER TO Z.B.A.: M)___ S)___ VOTE: A___ N___

APPROVAL:

CONCEPTUAL: _____ **PRELIMINARY:** _____ **COND. FINAL:** _____ **FINAL** _____

M)____S)____ VOTE:A____N____ APPROVED:_____

NEED NEW PLANS: Y____N____

CONDITIONS – NOTES:

Send e-mail to Gregg to add 911 number (#257 Windsor Hwy)

Need easement with D.O.T.

Mail L.A. Letter - Schedule P.H. after 30 days for SEQRA
Mail D.O.T. Letter

Send to O.C. Planning

MEETING DATE: 2-27-08



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100

FAX: (845) 567-3232

E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: VITO RIZZI SITE PLAN
PROJECT LOCATION: WINDSOR HIGHWAY (NYS ROUTE 32) EAST SIDE
SECTION 35 – BLOCK 1 – LOT 52
PROJECT NUMBER: 05-06
DATE: 27 FEBRUARY 2008
DESCRIPTION: THE APPLICATION PROPOSES THE CONSTRUCTION OF A 7800 S.F. OFFICE/RETAIL BUILDING ON THE 3 +/- ACRE SITE. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 23 MARCH 2005 PLANNING BOARD MEETING (AT WHICH TIME IT WAS REFERRED TO THE ZBA).

1. The application has been before the ZBA for quite some time. It was referred since the commercial development was to extend into the R-4 zone (greater than the 30' permitted by 300-5). It is our understanding that the plan as proposed at this meeting meets the requirements of the Zoning Board (this can be verified with discussions with the Building Inspector).

The board should note that the initial submittal was for a 14,510 s.f. building, which has now been reduced to 7800 s.f.

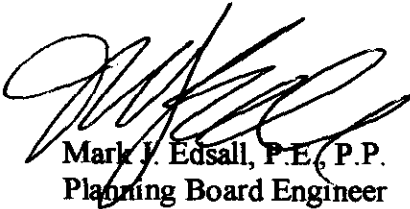
2. The plans submitted for this meeting are significantly more complete than the submittal initially submitted at the time the referral was made to the ZBA. I have reviewed this submittal and have the following comments:
 - I am concerned regarding the grading on the north side of the site. In several areas there are differential elevations of approximately 4 ft. within a short distance (example near catch basin #4 and at northeast building corner). This should be re-evaluated.
 - There is a light pole (unprotected) in the middle of the parking lot. The applicant may wish to consider two directional fixtures in the islands at the front of the parking lot.

REGIONAL OFFICES

• 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

- Is there an easement existing to benefit the NYSDOT regarding drainage? Is a new (extended) easement proposed?
 - Is a business sign proposed on site? (or just a façade sign).
 - Add line for handicapped parking space (most southerly space).
3. A Lead Agency coordination letter has recently been issued. We are awaiting responses.
 4. This application was recently referred to the NYSDOT for review and comment. A response is pending.
 5. As per New York State General Municipal Law (GML 239), this plan was referred to the OCPD for review. A response is pending.
 6. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 300-86 (C) of the Town Zoning Local Law.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW05-06-27Feb08.doc



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: E 911 COORDINATOR

P.B. FILE #05-06

DATE RECEIVED: 02-14-08 TAX MAP #35-1-52

PLEASE RETURN COMPLETED FORM TO MYRA
BY: 02-26-08 TO BE ON AGENDA FOR THE 02-27-08 PLANNING BOARD
MEETING.

THE MAPS AND/OR PLANS FOR:

VITO RIZZI - SITE PLAN

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION _____, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☒ APPROVED:

Notes: E-911 Numbers need to be put on plans

287 Windsor Highway

☐ DISAPPROVED:

Notes: _____

Signature: _____

Reviewed by _____

date _____

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: Genaro Argenio, Planning Board Chairman

FROM: Kenneth Schermerhorn, Asst. Fire Inspector (R3)

SUBJECT: PB-05-06
Vito Rizzi Site Plan
SBL: 35-1-52

DATE: February 20, 2008

Fire Prevention Reference Number: FPS-08-009

A review of the above referenced plan has been conducted and is
approved

Shaw Engineering

Consulting Engineers

744 Broadway
P.O.Box 2569
Newburgh, New York 12550
(845) 561-3695

January 29, 2008

Chairman Genaro Argenio and
Members of the Planning Board
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, New York 12553

Re: New Office/Retail Office Building For Vito A. Rizzi
Temple Hill Road

Gentlemen:


Enclosed please find the following documents for the above referenced project which are being submitted to your Board for Site Plan Approval:

- 8 copies of the drawings entitled " New Office/Retail Office Building For Vito A. Rizzi" that contains an issue date of January 28, 2008
- a revised "Long Environmental Assessment Form"

We trust the above documents are in order to be placed on the next available Agenda of the Planning Board.

Respectfully submitted,

SHAW ENGINEERING



Gregory J. Shaw, P.E.
Principal

GJS:mmv
Enclosure

cc: Anthony Rizzi w/Enclosure

**OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY**

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 05-06

DATE: 5-18-05

APPLICANT:

Vito A. Rizzi
3 Ashley Way
Cornwall, NY 12518

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 3-1-05

FOR: SITE PLAN

LOCATED AT: East Side Windsor Highway (Route 32)


ZONE: C

DESCRIPTION OF EXISTING SITE: SEC: 35 BLOCK: 1 LOT: 52

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Extension of Commercial Use into R-4 Zone beyond that permitted by Section 300-5 of Town Code (30' max permitted). Please also note that 300-5 refers to 50% in "less restricted district" and for this application only 36% +/- is in the C zone.

TOWN OF NEW WINDSOR CODE: 300-5



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

5/24/05 Sent applicat (Shaw)

ZBA REFERRAL:

VITO RIZZI SITE PLAN (05-06)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: ZBA referral, Vito Rizzi, site plan on Windsor Highway represented by Mr. Shaw. Proposed construction of a 14,510 square foot building for office retail use. Application requires a variance from the ZBA, variance for what, Greg?

MR. SHAW: We're going to need a use variance because this parcel is similar to other parcels along Windsor Highway where it's approximately 600 feet deep, the first 200 feet is in the commercial zone, the balance of the property is in the R-4 zone. Mr. Rizzi would like to use the entire parcel for commercial use and with that he would like to construct a portion of the retail building and the loading area and in the residential zone so with that we need a rejection to allow us to go to the ZBA to get that variance.

MR. PETRO: You should probably put a line showing the 30 feet encroachment line so it looks like you even need less.

MR. SHAW: Good point.

MR. PETRO: Obviously we'll get to other things on the site plan if we're successful and come back so he has the screening, everything in the rear, I think there's a drainage easement back there too. Mark?

MR. EDSALL: I believe so, I believe it goes along the residential properties through there.

MR. PETRO: All the way up passed Napoli's.

MR. EDSALL: Yes.

MR. PETRO: And we're going to address that.

MR. SHAW: Is it on Mr. Rizzi's property?

MR. EDSALL: I believe it's on the residential properties but you can contact our office because that project was put in as part of a Community Development grant so we can show you the plans.

MR. SHAW: Okay.

MR. PETRO: Up by Napoli's and some of the other places, even John's piece that building that he just did there it's on the commercial property.

MR. EDSALL: Yeah and then I think--

MR. BABCOCK: It makes a turn and goes back out Continental Drive.

MR. SHAW: Sure, not a problem, there's many engineering issues that have to be dealt with once we get the variance but we have our work cut out with respect to the use variance.

MR. PETRO: It's not a very easy thing. You don't give out too many use variances in the zoning board, do you? He was there for a long time. But this is a little different case because it's the bulk of the, a lot of the property is in the C zone.

MR. SHAW: Well, the crazy part is and we can get into a discussion but if I can't use the balance of the property for commercial, what can I use it for, residential? I put a house back there with the commercial retail center in the front?

MR. PETRO: Well, you could put a house in the front

and have the back yard but I don't want to be negative on it either, I mean, that road is backing commercial, it is commercial, that's why the town made it 200 feet, 200 feet all the way frankly on these deep lots which are on both sides, even the Arby's lot the 400 feet deep, I think it was a mistake to just make 'em 200 feet there, they should have been a little deeper.

MR. SHAW: I agree.

MR. PETRO: Why would you have all 400 foot deep lots and first, make the first 200 feet commercial?

MR. BABCOCK: He actually could move the building, not a good layout, he could move the building forward by putting the parking in the rear.

MR. PETRO: I think the parking is better off in front, retail you want it in the front and number two, keep the headlights away from the people in the back. I think this better suits the property.

MR. SHAW: We can create a substantial buffer, we probably have about 160 feet of non-paved area that will be a combination of the pond and wood area so we can do a very good job screening that.

MR. PETRO: We're going to send you to the zoning board, I would assume we'll say a positive recommendation unless somebody disagrees with me, you have the understanding that we're not giving any nod to the site plan itself, other than the idea of the site plan, you'll have to engineer the site.

MR. SHAW: Absolutely.

MR. EDSALL: One of the things that a lot of times we suggest is that when you have an adjoining residential is that you get the applicant to agree to provide a higher level of finish for the rear of the building at

least so it doesn't look like a block building unfinished so it's more consistent with the views from the residential.

MR. PETRO: Give that some thought too, if you're going to use Decor block, use it on the entire building.

MR. SCHLESINGER: Where is this?

MR. PETRO: It's across from Lander Paving down in that area where the Flag Guys are.

MR. SCHLESINGER: Dog kennel.

MR. SHAW: Just south of the Flag Guys, just a little bit north of the Carpet Mill.

MR. KARNAVEZOS: Didn't his daughter put a hair salon right next door, isn't that the same property?

MR. PETRO: That's on the other side of the Flag Guys.

MR. RIZZI: I'm between the Flag Guys and The Hair Zone.

MR. SHAW: That's Anthony Rizzi, the owner of the property.

MR. PETRO: Okay, motion for final approval?

MR. SCHLESINGER: Make a motion for final approval for the Vito Rizzi site plan.

MR. MINUTA: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant final approval to the Vito Rizzi site plan on Windsor Highway. Any further discussion from the board members? If not, roll call.

March 23, 2005

7

ROLL CALL

MR. SCHLESINGER	NO
MR. MASON	NO
MR. KARNAVEZOS	NO
MR. MINUTA	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board to seek the necessary variances that are required. If you're successful in receiving those and wish to reappear before this board we'll take a look at it.

MR. SHAW: Thank you.

ZBA REFERRAL:

VITO RIZZI SITE PLAN (05-06)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: ZBA referral, Vito Rizzi, site plan on Windsor Highway represented by Mr. Shaw. Proposed construction of a 14,510 square foot building for office retail use. Application requires a variance from the ZBA, variance for what, Greg?

MR. SHAW: We're going to need a use variance because this parcel is similar to other parcels along Windsor Highway where it's approximately 600 feet deep, the first 200 feet is in the commercial zone, the balance of the property is in the R-4 zone. Mr. Rizzi would like to use the entire parcel for commercial use and with that he would like to construct a portion of the retail building and the loading area and in the residential zone so with that we need a rejection to allow us to go to the ZBA to get that variance.

MR. PETRO: You should probably put a line showing the 30 feet encroachment line so it looks like you even need less.

MR. SHAW: Good point.

MR. PETRO: Obviously we'll get to other things on the site plan if we're successful and come back so he has the screening, everything in the rear, I think there's a drainage easement back there too. Mark?

MR. EDSALL: I believe so, I believe it goes along the residential properties through there.

MR. PETRO: All the way up passed Napoli's.

MR. EDSALL: Yes.

MR. PETRO: And we're going to address that.

MR. SHAW: Is it on Mr. Rizzi's property?

MR. EDSALL: I believe it's on the residential properties but you can contact our office because that project was put in as part of a Community Development grant so we can show you the plans.

MR. SHAW: Okay.

MR. PETRO: Up by Napoli's and some of the other places, even John's piece that building that he just did there it's on the commercial property.

MR. EDSALL: Yeah and then I think--

MR. BABCOCK: It makes a turn and goes back out Continental Drive.

MR. SHAW: Sure, not a problem, there's many engineering issues that have to be dealt with once we get the variance but we have our work cut out with respect to the use variance.

MR. PETRO: It's not a very easy thing. You don't give out too many use variances in the zoning board, do you? He was there for a long time. But this is a little different case because it's the bulk of the, a lot of the property is in the C zone.

MR. SHAW: Well, the crazy part is and we can get into a discussion but if I can't use the balance of the property for commercial, what can I use it for, residential? I put a house back there with the commercial retail center in the front?

MR. PETRO: Well, you could put a house in the front

and have the back yard but I don't want to be negative on it either, I mean, that road is backing commercial, it is commercial, that's why the town made it 200 feet, 200 feet all the way frankly on these deep lots which are on both sides, even the Arby's lot the 400 feet deep, I think it was a mistake to just make 'em 200 feet there, they should have been a little deeper.

MR. SHAW: I agree.

MR. PETRO: Why would you have all 400 foot deep lots and first, make the first 200 feet commercial?

MR. BABCOCK: He actually could move the building, not a good layout, he could move the building forward by putting the parking in the rear.

MR. PETRO: I think the parking is better off in front, retail you want it in the front and number two, keep the headlights away from the people in the back. I think this better suits the property.

MR. SHAW: We can create a substantial buffer, we probably have about 160 feet of non-paved area that will be a combination of the pond and wood area so we can do a very good job screening that.

MR. PETRO: We're going to send you to the zoning board, I would assume we'll say a positive recommendation unless somebody disagrees with me, you have the understanding that we're not giving any nod to the site plan itself, other than the idea of the site plan, you'll have to engineer the site.

MR. SHAW: Absolutely.

MR. EDSALL: One of the things that a lot of times we suggest is that when you have an adjoining residential is that you get the applicant to agree to provide a higher level of finish for the rear of the building at

least so it doesn't look like a block building unfinished so it's more consistent with the views from the residential.

MR. PETRO: Give that some thought too, if you're going to use Decor block, use it on the entire building.

MR. SCHLESINGER: Where is this?

MR. PETRO: It's across from Lander Paving down in that area where the Flag Guys are.

MR. SCHLESINGER: Dog kennel.

MR. SHAW: Just south of the Flag Guys, just a little bit north of the Carpet Mill.

MR. KARNAVEZOS: Didn't his daughter put a hair salon right next door, isn't that the same property?

MR. PETRO: That's on the other side of the Flag Guys.

MR. RIZZI: I'm between the Flag Guys and The Hair Zone.

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March 23, 2005

7

ROLL CALL

MR. SCHLESINGER	NO
MR. MASON	NO
MR. KARNAVEZOS	NO
MR. MINUTA	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board to seek the necessary variances that are required. If you're successful in receiving those and wish to reappear before this board we'll take a look at it.

MR. SHAW: Thank you.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

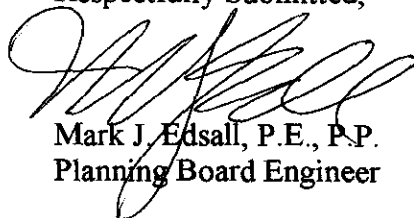
TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: VITO RIZZI SITE PLAN
PROJECT LOCATION: WINDSOR HIGHWAY (NYS ROUTE 32) EAST SIDE
SECTION 35 – BLOCK 1 – LOT 52
PROJECT NUMBER: 05-06
DATE: 23 MARCH 2005
DESCRIPTION: THE APPLICATION PROPOSES THE CONSTRUCTION OF A 14,510
S.F. OFFICE/RETAIL BUILDING ON THE 3 +/- ACRE SITE. THE PLAN
WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The application, as proposed, requires a variance from the Zoning Board of Appeals. As such, I have limited my review to this aspect of the application, such that a referral can be prepared to the ZBA.
2. The variance needed is in relation to the buildings location relative to the C – R4 zone line that cuts thru the property. Section 300-5 permits the non-residential use to extend a maximum of 30 feet into the R-4 zone (with the proviso that over 50% of the overall property is in the “less restricted district”).

This plan has approximately 36% of the land in the C zone, and proposes an encroachment of approximately 123 ft. into the R-4 zone.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW05-06-23Mar05.doc

REGIONAL OFFICES

• 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

REQUEST FOR PUBLIC RECORDS

Date: Nov. 3, 2005

Name: Wm. Washington

Address: 16 Lannis Ave., New Windsor

Phone: (1) 562-1595

Representing: Myself

Please specify:

- Property location (street address or section, block and lot number)
- Department you are requesting records from
- Describe information requested as fully as possible

Route 32, approx. 500' s. of Willow Lane
"Yorke Towne" proposed retail

Documents may not be taken from this office.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/21/2005

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 5-6

NAME: VITO A. RIZZI OFFICE/RETAIL BUILDING PA2005-0110

APPLICANT: VITO A. RIZZI

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
03/21/2005	REC. CK. #1182	PAID		750.00	
			-----	-----	-----
		TOTAL:	0.00	750.00	-750.00

Perain
fr
3/21/05



RESULTS OF P.B. MEETING OF:

PROJECT:

RESULTS OF P.B. MEETING OF: March 23, 2005

P.B. #

05-06

LEAD AGENCY:

AUTHORIZE COORD. LETTER: Y N

TAKE LEAD AGENCY: Y N

M) S) VOTE: A N

CARRIED: Y N

NEGATIVE DEC:

M) S) VOTE: A N

CARRIED: Y N

PUBLIC HEARING:

WAIVED: _____ CLOSED: _____

CLOSED:

M) _____ S) _____ VOTE: A _____ N _____

SCHEDULE P.H.: Y N

SEND TO O.C. PLANNING: Y

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M) S S) M VOTE: A 0 N 4

RETURN TO WORK SHOP: Y___N___

APPROVAL:

M) S) VOTE: A N APPROVED:

APPROVED:

NEED NEW PLANS: Y_____N_____

CONDITIONS – NOTES:

Need use variance
show drainage easement - Tell Greg to do before ZBA approval

P.B # 05-06
Application fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#253-2005

03/21/2005

Rizzi, Vito
3 Ashley Way
Cornwall, NY 12518

Received \$ 125.00 for Planning Board Fees, on 03/21/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

Shaw Engineering

Consulting Engineers

744 Broadway
P.O. Box 2569
Newburgh, New York 12550
(845) 561-3695

March 18, 2005

Chairman James R. Petro, Jr. and
Members of the Planning Board
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, New York 12553

Re: New Office/Retail Office Building For Vito A. Rizzi
Temple Hill Road

Gentlemen:

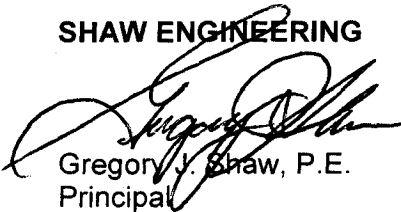
Enclosed please find the following documents for the above referenced project which are being submitted to your Board for Site Plan Approval:

- 8 copies of the drawings entitled " New Office/Retail Office Building For Vito A. Rizzi" that contains an issue date of March 1, 2005
- a copy of the "Application For Site Plan Approval"
- a copy of the "Proxy Statement" which is executed by the Owner/Applicant
- a "Short Environmental Assessment Form" and a "Site Plan Checklist";
- checks in the amounts of \$125.00 for the Site Plan Application Fee, and \$750.00 for the Escrow Fee

We trust the above documents are in order to be placed on the next available Agenda of the Planning Board.

Respectfully submitted,

SHAW ENGINEERING



Gregory J. Shaw, P.E.
Principal

GJS:mmv
Enclosure

cc: Anthony Rizzi w/Enclosure



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**

33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

☐ **Regional Office**

507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN / VILLAGE OF:

New Windsor

P/B APP. NO.:

100-3
05-06

WORK SESSION DATE:

16 March 2005

PROJECT: NEW

X OLD

REAPPEARANCE AT W/S REQUESTED:

Not now

RESUB. REQ'D:

late app

PROJECT NAME:

Vito A. Rizzo

REPRESENTATIVES PRESENT:

Greg Chan

MUNICIPAL REPS PRESENT:

BLDG INSP.
ENGINEER X
P/B CHMN

FIRE INSP.
PLANNER
OTHER

ITEMS DISCUSSED:

= ZBA ref. 3/23

need app!

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT STATUS:

ZBA Referral:

X Y N

Ready For Meeting

X Y N

Recommended Mtg Date

3/23

PROJECT
TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Change _____ Site Plan X Special Permit _____

Tax Map Designation: Sec. 35 Block 1 Lot 52

BUILDING DEPARTMENT REFERRAL NUMBER _____ - _____

1. Name of Project New Office/Retail Building For Vito A. Rizzi

2. Owner of Record Vito A. Rizzi Phone 534-5102

Address: 3 Ashley Way, Cornwall, NY 12518
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant Same As Owner Phone _____

Address: _____
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan Gregory J. Shaw, P.E. Phone 561-3695

Address: 744 Broadway, Newburgh NY 12550
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney _____ Phone _____

Address _____
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

<u>Gregory J. Shaw, P.E.</u>	<u>561-3695</u>	<u>561-3027</u>
(Name)	(Phone)	(fax)

7. Project Location: On the East side of Windsor Highway
(Direction) (Street)

8. Project Data: Acreage 3.0 Zone C School Dist. Newburgh

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No X

***This information can be verified in the Assessor's Office.**

***If you answer yes to question 9, please complete the attached Agricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) Revised 2/28/2008
7,800
The construction of a 14,510 SF building for office and
retail use along with 97 parking spaces
58

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no X

12. Has a Special Permit previously been granted for this property? yes _____ no X

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

1st DAY OF March 2005
Cheryl L. Canfield

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
#01CA6073319

Commission Expires April 22, 2006
NOTARY PUBLIC

Vito A. Rizzo
(OWNER'S SIGNATURE)

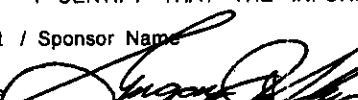
(AGENT'S SIGNATURE)

Please Print Agent's Name as Signed

TOWN USE ONLY:

DATE APPLICATION RECEIVED

APPLICATION NUMBER

3. PROJECT LOCATION: Municipality: Town of New Windsor	County: Orange
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map <div style="text-align: center;">287 Windsor Highway</div>	
5. IS PROPOSED ACTION : <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: <div style="text-align: center;">The construction of a 7,800 SF building for retail and office use along with 58 parking spaces</div>	
7. AMOUNT OF LAND AFFECTED: Initially 3.0 acres Ultimately 3.0 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: NYSDOT Highway Entrance Permit and Utility Permit	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant / Sponsor Name: Vito A. Rizzi Date: February 28, 2008 Signature:  Engineer F.O. - Application 2 Raised	

**If the action is a Coastal Area, and you are a state agency,
complete the Coastal Assessment Form before proceeding with this assessment**

potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:

☐ Yes ☐ No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:

☐ Yes ☐ No

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town of New Windsor Planning Board



Name of Lead Agency

Date

Genaro Argenio



Print or Type Name of Responsible Officer in Lead Agency

Chairman



Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

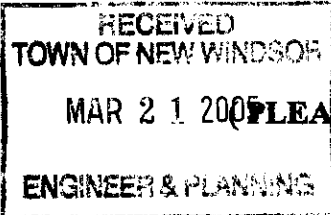
Signature of Preparer (If different from responsible officer)

PLANNING BOARD APPLICATION**TYPE OF APPLICATION (check appropriate item):**Subdivision _____ Lot Line Change _____ Site Plan **X** Special Permit _____Tax Map Designation: Sec. 35 Block 1 Lot 52**BUILDING DEPARTMENT REFERRAL NUMBER** PA2005 - 01001. Name of Project New Office/Retail Building For Vito A. Rizzi2. Owner of Record Vito A. Rizzi Phone 534-5102Address: 3 Ashley Way, Cornwall, NY 12518
(Street Name & Number) (Post Office) (State) (Zip)3. Name of Applicant Same As Owner Phone _____Address: _____
(Street Name & Number) (Post Office) (State) (Zip)4. Person Preparing Plan Gregory J. Shaw, P.E. Phone 561-3695Address: 744 Broadway, Newburgh NY 12550
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney _____ Phone _____

Address _____
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

Gregory J. Shaw, P.E. 561-3695 561-3027
(Name) (Phone) (fax)7. Project Location: On the East side of Windsor Highway
(Direction) (Street)8. Project Data: Acreage 3.0 Zone C School Dist. Newburgh

PAGE 1 OF 2

PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

05-06

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No X

***This information can be verified in the Assessor's Office.**

***If you answer yes to question 9, please complete the attached Agricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) _____
The construction of a 14,510 SF building for office and
retail use along with 97 parking spaces

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no X

12. Has a Special Permit previously been granted for this property? yes _____ no X

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

Vito A. Rizzo
(OWNER'S SIGNATURE)

1st DAY OF March 2005
Cheryl L. Canfield

(AGENT'S SIGNATURE)

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
#01CA6073319

Please Print Agent's Name as Signed

Commission Expires April 22, 2006
NOTARY PUBLIC

TOWN USE ONLY
TOWN OF NEW WINDSOR

MAR 21 2005

05-06

DATE APPLICATION RECEIVED

APPLICATION NUMBER

AGENCY OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Vito A. Rizzi, deposes and says that he resides
(OWNER)

at 3 Ashley Way, Cornwall in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 35 Block 1 Lot 52)
designation number (Sec. Block Lot) which is the premises described in
the foregoing application and that he designates:

(Agent Name & Address)

Gregory J. Shaw, P.E., 744 Broadway, Newburgh, NY 12550
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.**

SWORN BEFORE ME THIS:

****** Vito A. Rizzi
Owner's Signature (MUST BE NOTARIZED)

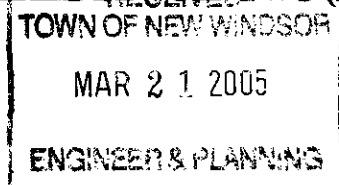
138 DAY OF March 2005
Cheryl L. Canfield
CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
#01CA6073319
Commission Expires April 22, 2006
NOTARY PUBLIC

Agent's Signature (If Applicable)

Professional Representative's Signature

**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER



05-06

TOWN OF NEW WINDSOR PLANNING BOARD

SITE PLAN CHECKLIST

ITEM

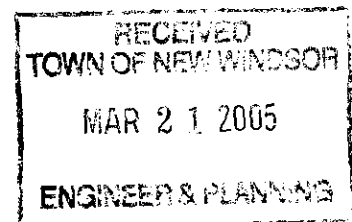
* Denotes To Be Provided At A Later Date

1. X Site Plan Title
2. X Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

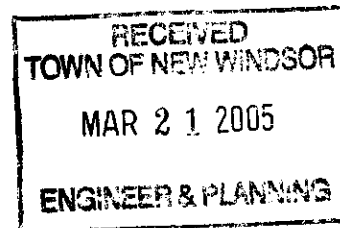
SAMPLE:



3. X Applicant's Name(s)
4. X Applicant's Address
5. X Site Plan Preparer's Name
6. X Site Plan Preparer's Address
7. X Drawing Date
8. X Revision Dates
9. X Area Map Inset and Site Designation
10. * Properties within 500' of site
11. * Property Owners (Item #10)
12. X Plot Plan
13. X Scale (1" = 50' or lesser)
14. X Metes and Bounds
15. X Zoning Designation
16. X North Arrow
17. X Abutting Property Owners
18. X Existing Building Locations
19. X Existing Paved Areas
20. X Existing Vegetation
21. X Existing Access & Egress



25. Access to Egress
26. X Parking Areas
27. X Loading Areas
28. * Paving Details (Items 25 - 27)
29. X Curbing Locations
30. * Curbing through section
31. X Catch Basin Locations
32. * Catch Basin Through Section
33. * Storm Drainage
34. X Refuse Storage
35. NA Other Outdoor Storage
36. * Water Supply
37. * Sanitary Disposal System
38. * Fire Hydrants
39. X Building Locations
40. X Building Setbacks
41. * Front Building Elevations
42. X Divisions of Occupancy
43. * Sign Details
44. X Bulk Table Inset
45. X Property Area (Nearest 100 sq. ft.)
46. * Building Coverage (sq. ft.)
47. * Building Coverage (% of total area)
48. * Pavement Coverage (sq. ft.)
49. * Pavement Coverage (% of total area)
50. * Open Space (sq. ft.)
51. * Open Space (% of total area)
52. X No. of parking spaces proposed
53. X No. of parking spaces required



05-06

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. X NA Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

55. NA A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

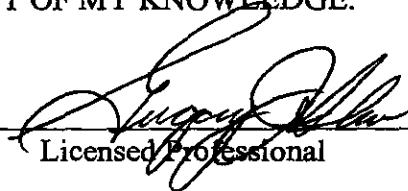
APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

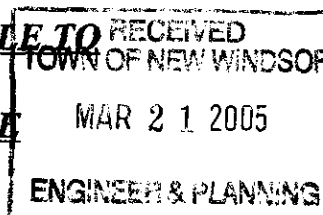
BY:  2-28-2005
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

PLEASE NOTE:

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO
KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL
APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE
APPLIED FOR PRIOR TO EXPIRATION DATE.



PROJECT ID NUMBER

617.20
APPENDIX C

SEQR

STATE ENVIRONMENTAL QUALITY REVIEW

SHORT ENVIRONMENTAL ASSESSMENT FORM
for UNLISTED ACTIONS Only**PART 1 - PROJECT INFORMATION** (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR Vito A. Rizzi	2. PROJECT NAME New Retail/Office Building For Vito A. Rizzi
3. PROJECT LOCATION: Town Of New Windsor Municipality	Orange County
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map 287 Windsor Highway	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: The construction of a 14,510 SF building for retail and office use along with 97 parking spaces	
7. AMOUNT OF LAND AFFECTED: Initially 3.0 acres Ultimately 3.0 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, describe briefly: A Use Variance will be required for the commercial development on the easterly portion of the site	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: Zoning Board Of Appeals - Use Variance NYSDOT-Highway Entrance Permit	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant / Sponsor Name Vito A. Rizzi Date: February 28, 2005 Signature <i>[Signature]</i> Engineer For Applicant	

RECEIVED
TOWN OF NEW WINDSOR
MAR 21 2005
ENGINEER & PLANNINGIf the action is a Coastal Area, and you are a state agency,
complete the Coastal Assessment Form before proceeding with this assessment

05-06

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☒ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
No

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:
No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:
☐ Yes ☒ No
Public Interest Likely

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:
☐ Yes ☒ No
Public Interest Likely

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town Of New Windsor Planning Board
Name of Lead Agency

James R. Petro, Jr.
Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Chairman
Title of Responsible Officer

Signature of Preparer (if different from responsible officer)

MAR 21 2005

ENGINEER & PLANNING

05-06

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:



Part 1



Part 2



Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

New Office/Retail Building For Vito A. Rizzi

Name of Action

Town Of New Windsor Planning Board

Name of Lead Agency

Genaro Argenio

Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

PART 1--PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action New Office / Retail Building for Vito A. Rizzi

Location of Action (include Street Address, Municipality and County)

The subject property is located on the southeast side of Windsor Highway, at the address specified as 287 Windsor Highway.

Name of Applicant/Sponsor Mr. Vito A. Rizzo

Address 3 Ashley Way

City / PO Cornwall State NY Zip Code 12518

Business Telephone (845) 565-1623

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

The two existing structures on site are scheduled to be demolished and replaced with a new 7,800 SF. Office / Retail Building. Associated improvements include a new highway entrance, 58 parking spaces, and a storm water management facility.

2. Total acreage of project area: 3.01 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>1.58</u> acres	<u>.28</u> acres
Forested	<u>.83</u> acres	<u>.50</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	<u>.25</u> acres	<u>1.05</u> acres
Other (Indicate type) <u>Grass</u>	<u>.35</u> acres	<u>1.18</u> acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage: ☒ Well drained 100 % of site ☐ Moderately well drained _____ % of site.
☐ Poorly drained _____ % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

a. What is depth to bedrock unknown (in feet)

5. Approximate percentage of proposed project site with slopes:

- ☒ 0-10% 80 % ☐ 10- 15% _____ % ☒ 15% or greater 20 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? unknown (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?

☐ Yes ☒ No

15. Streams within or contiguous to project area:

NA

a. Name of Stream and name of River to which it is tributary

Ultimately the Hudson River

16. Lakes, ponds, wetland areas within or contiguous to project area:

NA

b. Size (in acres):

NA

17. Is the site served by existing public utilities? ☒ Yes ☐ No
- a. If YES, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
- b. If YES, will improvements be necessary to allow connection? ☐ Yes ☒ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 3.01 acres.
- b. Project acreage to be developed: 3.01 acres initially; 3.01 acres ultimately.
- c. Project acreage to remain undeveloped: 0 acres.
- d. Length of project, in miles: NA (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. NA %
- f. Number of off-street parking spaces existing 0; proposed 58
- g. Maximum vehicular trips generated per hour: 24 (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Initially | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Ultimately | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
- i. Dimensions (in feet) of largest proposed structure: 30 height; 130 width; 60 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 250 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.
3. Will disturbed areas be reclaimed ☒ Yes ☐ No ☐ N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- Lawn and Landscaping
- b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.80 acres.

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☒ Yes ☐ No

If yes, indicate type(s)

Minimal increase in Electric and Natural Gas.

22. If water supply is from wells, indicate pumping capacity NA gallons/minute.

23. Total anticipated water usage per day 800 gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

City, Town Zoning Board ☐ Yes ☐ No

City, County Health Department ☐ Yes ☐ No

Other Local Agencies ☐ Yes ☐ No

Other Regional Agencies ☐ Yes ☐ No

State Agencies ☒ Yes ☐ No

Federal Agencies ☐ Yes ☐ No

NYS	
DOT	
Highway Work Permit	May 2008

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

☐ Zoning amendment ☐ Zoning variance ☐ New/revision of master plan ☐ Subdivision

☒ Site plan ☐ Special use permit ☐ Resource management plan ☐ Other

2. What is the zoning classification(s) of the site?

C: Design Shopping
R-4: Rural Residential

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

NA

4. What is the proposed zoning of the site?

NA

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

NA

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

☒ Yes

☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

PI: Planned Industrial
R-5: Multiple Family Residential
C: Design Shopping
R-4: Suburban Residential

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?

☒ Yes

☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? NA

a. What is the minimum lot size proposed? NA

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand?

☐ Yes ☒ No

12. Will the proposed action result in the generation of traffic significantly above present levels?

☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic.

☐ Yes ☒ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Vito A. Rizzi

Date Jan 28, 2008

Signature



Title Engineer for Applicant

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO ☒ YES ☐

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
NA			

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

☒ NO ☐ YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
NA			

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

☒ NO ☐ YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
NA			

4. Will Proposed Action affect any non-protected existing or new body of water?

☒ NO ☐ YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
NA			

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will require a discharge permit. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction or operation causing any contamination of a water supply system. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will adversely affect groundwater. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action would use water in excess of 20,000 gallons per day. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow residential uses in areas without water and/or sewer services. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NA

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

☐ NO ☒ YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Increase in storm water flows that will be mitigated by a storm water management facility.

IMPACT ON AIR

7. Will Proposed Action affect air quality?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NA

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

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Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|---|-------------------------------------|-----------------------------------|--|
| • Removal of any portion of a critical or significant wildlife habitat. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Application of pesticide or herbicide more than twice a year, other than for agricultural purposes. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

NA

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

- | | 1
Small to
Moderate
Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|--|-------------------------------------|-----------------------------------|--|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

NA

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☒ NO ☐ YES

Examples that would apply to column 2

- | | 1
Small to
Moderate
Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|--|-------------------------------------|-----------------------------------|--|
| • The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction activity would excavate or compact the soil profile of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
NA			

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
☒ NO ☐ YES

Examples that would apply to column 2

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Small to
Moderate
Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|---|-------------------------------------|-----------------------------------|--|
| • Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Project components that will result in the elimination or significant screening of scenic views known to be important to the area. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

NA

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
☒ NO ☐ YES

Examples that would apply to column 2

- | | 1
Small to
Moderate
Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|---|-------------------------------------|-----------------------------------|--|
| • Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Any impact to an archaeological site or fossil bed located within the project site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
NA			

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

NA

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

☒ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

NA

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

NA

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NA

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NA

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NA

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

☒ NO ☐ YES

- | | | | |
|--|--------------------------|--------------------------|--|
| • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

NA

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will cause a change in the density of land use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

NA

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

☒ NO ☐ YES

Public Interest Likely.

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.